



# WYMONDHAM HIGH ACADEMY TRUST

Principal: Mr Jonathan Rockey

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## **POLICY STATEMENT COMPLAINTS**

### **Aim**

Wymondham High Academy wants all its students to be healthy, happy, safe, to achieve and to contribute, and recognises that all members of our community play an important part in making this happen. Cooperation between parents, staff and governors leads to a shared sense of purpose and a positive atmosphere in the Academy.

### **Policy**

A complaint is broadly defined as “dissatisfaction about any aspect of the Academy’s work.” However, the Academy and the complainant need to be clear about the difference between a ‘concern’ and a ‘complaint.’ The underlying difference is that concerns ought to be handled, if at all possible, without the need for formal procedures.

Concerns and complaints may be communicated in writing, by telephone or in person and can be about any aspect of the Academy’s work. They may be expressed by anyone with an interest in the working of the Academy. Where possible the majority of concerns/complaints should be dealt with satisfactorily by Academy staff on an informal basis.

### **Monitoring**

This policy will be monitored by the Vice Principal, who will report back to the Local Governing Board on an annual basis detailing the number of complaints registered under the formal procedure during the preceding school year.

### **Review**

This policy will be reviewed on a 3 yearly basis by the Local Governing Board.

Confirmed by: **The Governing Body of Wymondham High Academy**

Signature of Chair: ..... Dated: .....

**Local Governing Board**

## **The Procedure for Handling Concerns and Complaints**

Each level of the procedure set out below offers the opportunity for concerns and complaints to be resolved as quickly as possible.

### **Level 1 – informal**

The complainant should, in the first instance, make an appointment to speak to the relevant individual about the concern. S/he will endeavour to work with the complainant to resolve issues at this point.

### **Level 2 - informal**

Parents/carers dissatisfied with the result of the discussions with the Head of Department / Assistant Principal should ask for an appointment to meet with the Assistant Principal with pastoral responsibility. Should the parent/carer still be dissatisfied with the result of the discussions with the Assistant Principal they should make an appointment to speak to the Vice-Principal.

If a resolution to the issue is proving difficult to find, the Principal can speak to one member of the Governing Body about the issue who may be willing to offer informal intervention. However, there is no obligation on any Governor to become involved at this level.

*It is hoped that most problems will have been resolved by now.*

### **Level 3 – formal complaint letter to Principal**

An issue that has not been resolved through the informal levels 1 and 2 can become an official complaint.

Complainants wishing to move to level 3 must write a formal letter of complaint to the Principal. The letter will need to set out clearly the issues which have previously been discussed and why they consider the issue to be unresolved.

The Principal will consider the complaint and respond to the complainant. The Principal should respond to the complainant in writing within 10 school days of receipt of the letter.

The decision that the Principal has made as a result of the complaint does not become a complaint about the Principal. If the complainant feels the complaint has not been resolved he/she should proceed to Level 4, a Governors' Complaints Panel.

### **Concerns or complaints specifically about the Principal.**

If the concern or complaint is specifically about the Principal and is unable to be resolved at the informal stage, then it will be necessary for the complainant to formally complain to the Chair of Governors. The Academy will provide the Chair of Governor's name and the complainant should write to him or her at the Academy address marking the envelope 'urgent, private and confidential'. The Chair of Governors should acknowledge the complainant's letter in writing within 5 school days of receipt and contact a Governor Support Service Officer for advice.

## Level 4 – formal complaint requesting a Governors’ Complaints Panel

### Time Scales:

Complaints will be considered, and resolved, as quickly and efficiently as possible. Realistic time limits for each action within each stage must be set. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

Receipt of complainant’s letter	Acknowledgement within 5 school days
Receipt of complainant’s letter	Governors’ Panel meeting within 15 school days (unless this goes into school holidays)
Written documentation sent to Governors’ Panel Members, complainant and Principal	5 school days before meeting.
Governors’ Panel members decision communicated to all concerned	As soon as possible but within 10 school days of meeting.

Complainants wishing to move to level 4 of the formal complaints procedure will need to write a letter to the Chair of Governors to request that a Governors’ Complaints Panel meets to hear the complaint. This formal complaint letter must be received within 10 school days of the last meeting with the Principal concerning the issue. The complainant should write to the Chair of Governors at the school address marking the envelope ‘urgent and confidential’. The letter will need to set out the complaint that has previously been formally discussed with the Principal and show why the matter is not resolved.

### Before the meeting:

The Chair of Governors will appoint a clerk to the Governors’ Complaints Panel, acknowledge the complainant’s letter in writing within 5 school days of receipt and arrange for a panel of Governors to meet within 15 school days of receipt. It must be recognised that if the letter is received within 14 school days to the end of term it may not be possible to organise the governors’ panel meeting. In this case the matter should be dealt with within 10 school days of the school reopening.

The Principal will be given a copy of the complainant’s letter and written documentation should be requested from the school. The clerk will send both the complainant’s letter and the school documentation to the Governors’ Complaints Panel members, complainant and Principal (and anyone else involved in the meeting) at least 5 school days before the date of the meeting.

The complainant and Principal will be invited to attend the Governor’s Complaints Panel meeting to give a verbal statement in support of their documentation. Each of them can bring someone to support them if they wish.

The full Governing Body should only be informed that a complaint is being heard – details should be withheld to ensure that the remaining members of the Governing Body are available should the outcome result in any action being taken under other procedures e.g. disciplinary. The Governing Body reserves the right to allow, or not, another agency to carry out an independent appeal or review.

Complaints against the Principal will be investigated by the Chair of the Governing Body. A complaint against a member of the Governing Body will be heard by a member of the Governing Body who has not been involved in the issue previously. All relevant parties, complainant,

academy, Principal and where relevant, the person complained about, will be given a copy of any findings and recommendations.

**At the meeting:**

The complainant and Principal (or his representative) should provide all the relevant information they wish and the Governors' Complaints Panel members will clarify any points. After the complainant and Principal (or his representative) have provided all the information they wish, the chair will ask all parties to leave except the panel members and the clerk.

**After the meeting:**

The Governors' Complaints Panel will write to all concerned within 10 school days to explain their decision and suggest a resolution to the problem, if appropriate. The decision of the Governor's Complaints Panel is final.

The decision of the Governors' Complaints Panel will not be investigated. If, however, the complainant feels that the Academy and Governors have not followed the Academy's complaints procedure correctly, he/she can contact the Education Funding Agency (EFA). Complaints about academies will be investigated by the Academies directorate in the EFA in consultation with the Legal and Governance Team.

If a complainant has been through all the stages of the Academy's complaints procedure but remains dissatisfied, they can ask the Education Funding Agency to review the handling of their complaint by completing the online form - [www.gov.uk/complain-about-school/state-schools](http://www.gov.uk/complain-about-school/state-schools).

The EFA will investigate complaints about:

- undue delay or non-compliance with an Academy's own complaints procedure:
- an academy's failure to comply with a duty imposed on it under its funding agreement with the Secretary of State:
- an Academy's failure to comply with any other legal obligation, unless there is another organisation better placed to consider the matter as set out in the next section.

The EFA cannot change the decision an academy has made about a complaint. The EFA can look at whether the Academy considered the complaint properly, following a procedure that is in line with legal requirements. If the EFA upholds a complaint against an academy it can do one or both of the following:

- ask the academy to reconsider the complaint from an appropriate stage
- ask the academy to change its complaints procedure so that it complies with legal requirements

Once a Governors' Complaints Panel has heard a complaint, and it is clear that correct procedures have been followed, that specific complaint cannot be reopened. If a request is received in this respect, the Chair of Governors should inform the complainant that the matter is closed.

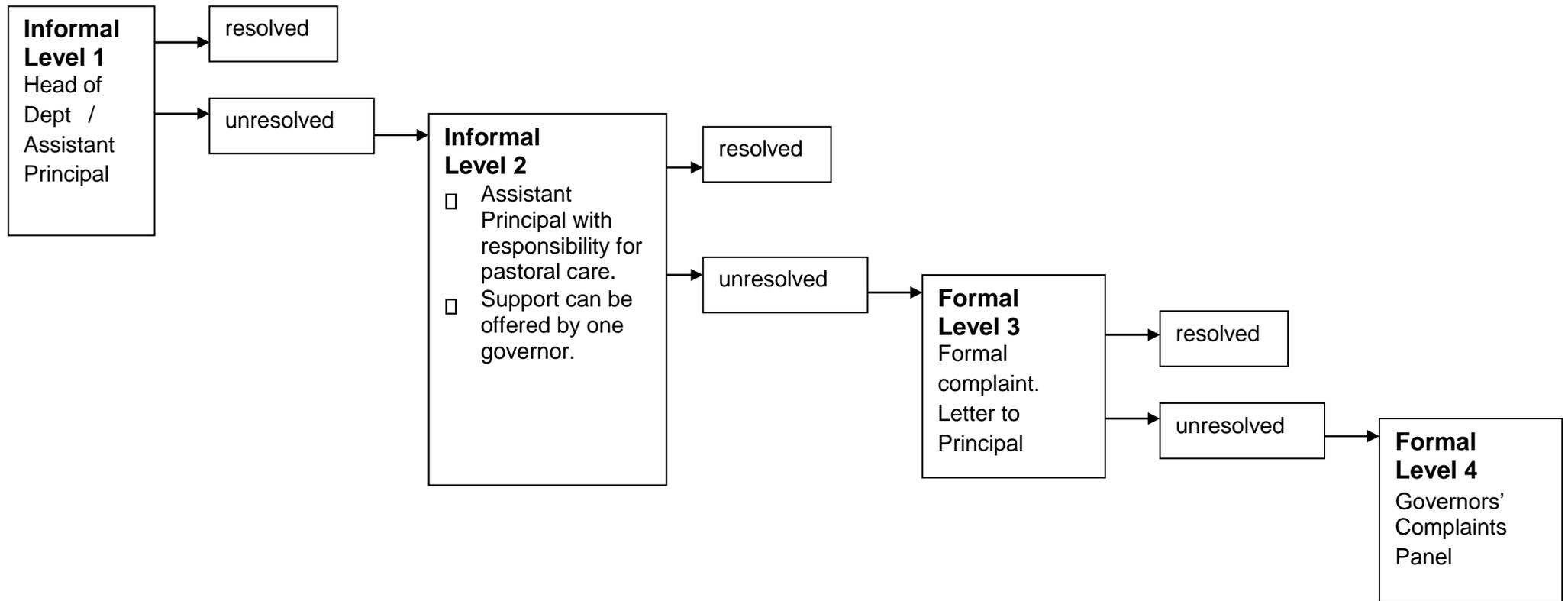
Any complaints concerning the conduct of Academy staff will be handled in accordance with the Academy's internal disciplinary procedures. The details of such an investigation will remain confidential.

Some complaints regarding admissions, the curriculum or special educational needs are covered by statutory regulations and should be addressed to the Chair of the Governors Curriculum Committee at the Academy. The Principal or Assistant Principal can give information about these.

Extended Schools: the Governing Body will ensure that any third party provider offering activities and services through the extended schools programme has their own complaints procedure in place.

**Please see the next page for flowchart.**

**Flowchart of procedure for handling concerns and complaints:**



## **Notes**

### **Guidance on informal level 1:**

- Concerns should initially be handled informally in a manner that offers the best way of resolving issues.
- The Head of Department / Assistant Principal should offer an appointment to discuss the issue as quickly as possible, as this will give both parties time to talk about it calmly and politely without being interrupted. This can allow parties to remain calm. It will also show a commitment to resolving issues.
- It is important for parents to recognise that schools are busy organisations and that it may not be possible to offer an appointment straight away.
- The parties involved should be encouraged to offer their view of what would be a realistic resolution to the problem.

### **Guidance on informal level 2:**

- It is always best to resolve issues informally at the earliest possible time but if the person is not satisfied with the result of the talk with the Head of Department / Assistant Principal then he/she can ask for an appointment to meet with the Assistant Principal with responsibility for pastoral care.
- It is in everyone's interest, particularly the child or children, for concerns and complaints to be sorted out quickly and smoothly.
- The aim should be that discussions are productive and open.
- It is good practice for the Principal, Assistant Principal or Head of Department to write a letter to parents summarising what has been agreed regarding the issue.
- The Principal, Assistant Principal or Head of Department may feel that a particular governor's input would be helpful in bringing about a resolution but there is no obligation on any governor to become involved at this level.

### **Guidance on level 3- formal:**

- An unresolved issue can now move to a formal complaint. This is a serious step to be taken. In consideration of future home/school relationships everyone concerned will need to negotiate an agreement and concentrate on finding a resolution to the issue.

### **Guidance on level 4 - formal:**

#### **Before the meeting:**

- The formal complaints letter should be passed to the Vice Chair if the Chair will be unable to receive the letter within 5 days.
- Members of the Governors' Complaints Panel should have no prior knowledge of the complaint and it is, therefore, unlikely that staff governors will be members of the panel. One of the members of the panel must be independent of the management and running of the Academy.
- Individual complaints would 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 Remit of the Complaints Appeal Panel**

The panel can:

- dismiss the complaint in whole or 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 Governing Body Member 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 Governing Body Member 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, Governing Body Members need to try and ensure that it is a cross-section of the categories of Governing Body Members 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 as informal and not adversarial.
- d. 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 considerations 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.

Governing Body Members 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 Governing Body Members 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 and safely archive all written records
- notify all parties of the panel's decision and recommendations in writing
- ensure confidentiality of process and written materials

### **The Role of the Chair of the Governing Body or the Nominated Governing Body Member**

The Nominated Governing Body Member:

- 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
- 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 may need to be addressed.

### ***Check List 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 decided on the issues
- the Chair explains that both parties will hear from the panel within a set time scale

#### **At the meeting:**

- The Complaints Panel must be made up of at least three members and a clerk.
- Although this is a formal meeting, every effort should be made to make it as informal as possible for all concerned.
- Everyone attending should be in the room at the same time
- Consideration may need to be given to the seating arrangements to make everyone feel equal and comfortable.
- The clerk should take notes of the meeting, listing who is present:
  - o Governors, stating who is the Chair of the Governors' Complaints Panel
  - o Principal (or his/her representative) and any other members of school staff
  - o Parents and anyone accompanying them e.g. friend
  - o Clerk
- The Chair of the Governors' Complaints Panel should open the meeting stating the purpose and the format of the meeting to clarify this to all in attendance.
- People present should introduce themselves stating their reason for being at the meeting.
- The Chair of the Governors' Complaints Panel should request a verbal statement from the complainant in support of his or her written letter of complaint and why s/he feels the issue has not been resolved. The Governors' Complaints Panel members can ask questions to make sure they understand the issue from the parent's point of view.
- The Chair of the Governors' Complaints Panel should request a verbal statement from the Principal (or his representative) in support of his/her written account of the complaint and the steps taken to resolve the issue. The Governors' Complaints Panel members can ask questions to make sure they understand the issue from the Principal's point of view.
- The members of the Governors' Complaints Panel should make sure they fully understand the issues and ask any further questions to clarify any points that are still not clear to them.
- The Chair of the Governors' Complaints Panel must ask the complainant and the Principal (or his representative) if they are satisfied that they have provided all the information they wanted or if there is something they wish to add and if they feel they have had a fair hearing.
- When the Governors' Complaints Panel members understand all the issues, the Chair will ask all parties to leave except the panel members and the clerk.

#### **After the meeting:**

- The Governors' Complaints Panel members then discuss the issues in private and the clerk remains to record the decision.
- The Panel members will need to consider the information, come to a decision and suggest a way to resolve the issue taking into account the best interests of the child or children.
- When the Panel have reached a decision, the Clerk will inform everyone concerned in writing as soon as possible, but in any event, within 10 school days of the panel meeting.

The decision of the Governor's Complaints Panel is final.

**Extended Schools**

Governors would need to have a discussion around, and make a decision about, what happens when the third-party provider's complaints process is exhausted and the matter is not resolved and whether it should then be referred to a Governors' Complaints Panel. This would ensure that the Governors are kept aware of complaints about provision.

**Vexatious Complainants**

It is important to distinguish between people who make a number of complaints because they really think things have gone wrong, and people who are being difficult. Complainants can be frustrated and aggrieved and it is therefore important to consider the merits of the case rather than their attitude. Even though someone has made vexatious complaints in the past, it cannot be assumed that the next complaint is also vexatious. Each complaint must be considered as to whether it is vexatious or genuine. There is no way of avoiding evaluating each complaint.

**Publication**

Under Section 29 of the Education Act 2002 all schools and academies are required to publicise their complaints procedures and policy.