



Saint Ambrose College

Complaints Policy & Procedure

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Saint Ambrose College Edmund Rice Academy Trust

St Ambrose College Complaints Procedure Purpose and Principles

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Purpose

Academies and free schools are required to have a written complaints procedures meeting certain requirements by the Education (Independent School Standards) (England) Regulations 2014, Schedule 1, Part 7 and to make the procedure and its timescales available to parents of pupils and parents of prospective pupils.

Scope

All matters relating to the actions of staff and application of Academy procedures where they affect the individual students concerned, except where the issue is dealt with under a separate policy/procedure e.g. staff grievance, staff disciplinary, staff capability, exclusion, admissions etc. (see table below)

A complaint can be brought by a parent / carer / guardian or a registered child of the school, or of a prospective pupil or any person who has been provided with a service / facility of the school. This person is referred to as the complainant. A complaint can also be brought by any person who is not a parent / carer / guardian of a registered child of the school and the same proceedings will be applied.

A concern may be defined as *'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'*.

A complaint may be defined as *'an expression of dissatisfaction however made, about actions taken or a lack of action'*.

General Principles

- The College reserves the right not to consider complaints that: Are malicious (that is, they are instituted without sufficient grounds and serving only to cause annoyance), the obscenities, racist or homophobic language, contain personally offensive remarks about members of our staff are repeatedly submitted with only minor differences after we have fully addressed the complaint.
- An anonymous complaint will not be investigated under this procedure unless there are exceptional circumstances.
- To allow for a proper investigation, complaints should be brought to the attention of the Academy as soon as possible. Any matter raised more than 3 months after the event being complained of may not be considered, except in exceptional circumstances.
- Investigation of any complaint or review request will begin within 5 Academy days of receipt of the same, except in exceptional circumstances. The investigation will be completed as soon as reasonably practicable.
- A concern becomes a complaint only when the complainant asserts that the school has acted wrongly in some significant decision, action or failure to take action.
- We will consider complaints made outside of term time to have been received on the first school day after the holiday period.
- For ease of use, a template complaint form is included at the end of this procedure. If you require help in completing the form, please contact the school office. You can also ask a third-party organisation for example like the Citizens Advice to help you.

- In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

Whistleblowing

We take seriously all whistleblowing concerns raised. Please consider submitting your complaint confidentially rather than anonymously. Submitting a complaint anonymously will make it difficult for us to conduct a full and thorough investigation. We will respect your confidentiality when investigating whistleblowing complaints.

If we can only proceed with an investigation by disclosing something that identifies you, we will ask for your consent first. If you do not give us your consent, it may be that we will not be able to take your case any further. If the allegation is sufficiently serious to require an investigation we may reveal your identity without your consent.

About this policy

This policy sets out the most suitable and effective process for dealing with the majority of complaints which are not covered by alternative statutory procedures. If another policy is more appropriate than this complaints policy for any given situation then it should be used in preference to it. In most cases any concern or complaint, regardless of whose attention it is initially brought to, should be discussed informally (stage 1) before being submitted at any of the following consecutive formal stages. However, occasionally there will be circumstances under which it is unsuitable for complaints to be dealt with in this way.

The contact details for the clerk are julie.lawson@trustqs.co.uk
Offices at: 28-32 Greenwood Street, Altrincham, WA14 1RZ

T: 0161 348 7188

M: 0772 509 6815

Aims and objectives of the policy

This complaints policy aims to:

- Encourage the resolution of problems by informal means wherever possible;
- Ensure that concerns are dealt with quickly, fully and fairly and within clearly defined time limits;
- Provide effective responses and appropriate redress;
- Maintain good working relationships between all people involved with the College.

Monitoring complaints

At all formal stages of the complaints procedure, the following information should be recorded:

- The name of the Complainant;
- The date and time at which complaint was made;

- The details of the complaint;
- The desired outcome of the Complainant;
- How the complaint is investigated (including written records of interviews held);
- Results and conclusions of investigations;
- Any action taken;
- The Complainant's response (satisfaction or further pursuit of complaint).

The College may choose to appoint a member of staff as a 'complaints co-ordinator'. When this is the case, this individual will have the responsibility for the complaints policy and will be responsible for monitoring complaints.

Upholding or not upholding complaints

At each stage of the complaints procedure, the conclusion will be either:

1. That the complaint is upheld (in part or in full) and, where appropriate, some form of action is taken; or,
2. That the complaint is not upheld and reasons for this are clearly given.

In the first instance, 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 College policies in light of the complaint.

In the second instance, the Complainant may either choose to take no further action or to take their complaint to the next relevant stage.

Publicity and communication

This policy will be made available from the College Office and on College's website. It may be included within the information given to new parents when their sons join the College.

All staff and members of the governing body should be made aware of the complaints procedure and the various stages involved. At all stages of the complaints procedure, everybody involved needs to be clear about what is happening and what their responsibilities are. In addition, the Complainant should be told how to proceed to the next stage of the procedure if and when their complaint is not upheld.

Equal access, accompaniment and representation

Appropriate steps will be taken to ensure that any individual has the opportunity to raise their concerns or submit a formal complaint. This includes the right to be accompanied by a friend or relative at discussions and hearings. Generally, we do not encourage either party to bring legal representation to the panel hearing. However, there may be occasions when legal representation is appropriate e.g. a witness who is an employee of the school wishing to be supported by union or legal representation.

Representatives from the media are not permitted to attend.

If a complaint concerns the Principal, the governing body may work with external agencies such as Trafford Council from the outset. In exceptional circumstances, an external agent may investigate on behalf of either the Principal or Governors. Where possible, the intention will always be for the external agent to support the College in its own investigations rather than take complete responsibility for them itself.

Time between stages

Although each of the stages within the procedure should occur consecutively, it is not necessary for each stage to immediately follow the last. Complainants may need some time to decide whether or not they wish to pursue the matter any further.

After each stage, the Complainant and the individual who is dealing with their complaint at that time should agree an appropriate time limit within which the next stage should be accessed, if at all. If the complaint is not submitted to the next stage within this agreed time limit it should be considered as closed.

In general, the time limits and deadlines contained within this policy should be adhered to. However, in certain circumstances it may be deemed inappropriate or impossible to guarantee that this is possible. Where a complaint leads to criminal proceedings this will always be the case. If and when it becomes necessary to alter the time limits and deadlines set out within this policy, the Complainant should be told and given an explanation as to why this has been the case.

Vexatious Complaints

The Chair of Governors can write to a Complainant and refuse to consider their complaint at stage 3 if he or she feels that there are insufficient grounds to do so or, if the complaint has already been considered at this stage or, if it has been closed. In all cases, the Complainant has the right to take their complaint to the Education & Skills Funding Agency.

Unreasonably Persistent, Harassing or Abusive Complainants

Sometimes people pursuing complaints or other issues treat staff and others in a way that is unacceptable. Whilst it is recognised that some complaints may relate to serious and distressing incidents, threatening or harassing behaviour shall not be accepted.

What do we mean by 'an unreasonably persistent complainant'?

An unreasonably persistent complainant may be anyone who engages in unreasonable behaviour when making a complaint. This will include persons who pursue complaints in an unreasonable manner.

Unreasonable behaviour may include:

- actions which are out of proportion to the nature of the complaint, or persistent – even when the complaints procedure has been exhausted, or personally harassing, or unjustifiably repetitious
- an insistence on pursuing unjustified complaints and/or unrealistic outcomes to justified complaints, pursuing justifiable complaints in an unreasonable manner (e.g. using abusive or threatening language; or

- making complaints in public or via a social networking site such as Facebook); or
- refusing to attend appointments to discuss the complaint.
- Other behaviour that has been identified as inappropriate in the Parent Code of Conduct Policy.

What is 'harassment'?

Harassment is the unreasonable pursuit of issues or complaints, particularly if the matter appears to be pursued in a way intended to cause personal distress rather than to seek a resolution.

Behaviour may fall within the scope of this policy if:

- it appears to be deliberately targeted at one or more members of College staff or others, without good cause;
- the way in which a complaint or other issues is pursued (as opposed to the complaint itself) causes undue distress to College staff or others;
- it has a significant and disproportionate adverse effect on the College community.

What does the College expect of any person wishing to raise a concern?

College expects anyone who wishes to raise concerns with the College to:

- treat all members of the College community with courtesy and respect;
- respect the needs of pupils and staff within College;
- avoid the use of violence, or threats of violence, towards people or property;
- recognise the time constraints under which members of staff in schools work and
- allow College a reasonable time to respond to a complaint;
- follow College's complaints policy.

Unreasonably persistent complaints or harassment

In cases of unreasonably persistent complaints or harassment, College may take some or all of the following steps, as appropriate:

- inform the Complainant informally that his/her behaviour is now considered by College to be unreasonable or unacceptable, and request a change of approach;
- inform the Complainant in writing that College considers his/her behaviour as being Unreasonably Persistent and/or Harassment;
- require all future meetings with a member of staff to be conducted with a second person present. In the interests of all parties, notes of these meetings may be taken;
- inform the Complainant that, except in emergencies, College will respond only to written communication and this may be required to be channelled through a designated person.

Physical or verbal aggression

The governing body will not tolerate any form of physical or verbal aggression against members of the College community. If there is evidence of such, College may:

- ban the individual from entering the College site, with immediate effect;
- request an Anti-Social Behaviour Order (ASBO);
- prosecute under anti-harassment legislation;

- call the police to remove the individual from the premises, under powers provided by the Education Act 1996.

College's response to Unreasonably Persistent Complaints

Legitimate complaints will always be considered, even if the person making them is (or has been) deemed to be Unreasonably Persistent or to have engaged in behaviour which constitutes Harassment. Any such decision will form part of the evidence considered by a Stage 3 Appeal Panel who will have the remit to review all decisions taken under this policy. Any decision to deem an individual or party as Unreasonably Persistent will be subject to review after six months. College reserves the right not to respond to communications from so deemed individuals or parties.

Appeals

If at any stage, as the result of a complaint, a decision or course of action is taken with regards to an individual which they feel is ungrounded, unjustified or incorrect they have the right to appeal. Appropriate appeals procedures will be followed in order to facilitate this.

The stages of the complaint

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

Stage 1 (informal): complaint heard by staff member

It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the Complainant and College can be crucial in determining whether the complaint will escalate or not. To that end, if staff be made aware of the procedures, they should know what to do when they receive a complaint. It would assist the procedure if the College respected the views of a Complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the Complainant may be referred to another member of staff.

Where the complaint concerns the Principal or a Governor, the Complainant may be referred to the Chair of Governors (or Vice Chair if it involves the Chair). The ability to consider the complaint objectively and impartially is crucial. Where the first approach is made to a governor, the next step would be to refer the Complainant to the appropriate person and advise them about the procedure.

Governors must never act unilaterally or otherwise on an individual complaint outside the formal procedure or be involved to any extent at the early stages in case they are needed to sit on a panel at a later stage of the procedure. Governors may seek related advice from the Chair of Governors, Governor Services at Trafford M.B.C. (telephone 0161 912 3184) or the National Governors' Association (telephone 0121 237 3780).

At the conclusion of their investigation, the appropriate person investigating the complaint will provide an informal written response within 10 school days of the date of receipt of the complaint.

If the issue remains unresolved, the next step is to make a formal complaint.

Stage 2 (formal): complaint heard by Principal

Formal complaints must be made to the Principal (unless they are about the Principal), via the school office. This may be done in person or in writing (preferably on the Complaint Form).

The Principal will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 3 school days.

Within this response, the Principal will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Principal can consider whether a face to face meeting is the most appropriate way of doing this.

Note: Principal may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.

During the investigation, the Principal (or investigator) will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, the Principal will provide a formal written response within 15 school days of the date of receipt of the complaint.

If the Principal is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions that St Ambrose College will take to resolve the complaint.

The Principal will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

If the complaint is about the Principal, or a member of the governing body (including the Chair or Vice-Chair), a suitably skilled governor will be appointed to complete all the actions at Stage 2.

Complaints about the Principal or member of the governing body must be made to the Clerk, via the school office.

Stage 2 (formal): complaint heard by Chair of Governors

If the complaint is about the Principal or a Governor, the Complainant should write to the Chair of Governors to request that their complaint be considered further.

If the complaint is regarding the Principal or a Governor, it will be investigated by the Chair of Governors who may conduct the investigation him/herself, delegate it to another Governor or commission an independent investigation. The Chair should seek advice from relevant external agencies.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage 2 will be considered by an independent investigator appointed by the governing body. At the conclusion of their investigation, the independent investigator will provide a formal written response.

Stage 3 (panel hearing): complaint heard by Complaints Appeal Panel

If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3 – a panel hearing consisting of at least three people who were not directly involved in the matters detailed in the complaint with one panel member who is independent of the management and running of the school. This is the final stage of the complaints procedure.

A request to escalate to Stage 3 must be made to the Clerk, via the email address included within this policy, within 10 school days of receipt of the Stage 2 response.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 3 school days.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 10 school days of receipt of the Stage 2 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage 3 will be heard by a committee of independent, co-opted governors.

A complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate.

For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

Representatives from the media are not permitted to attend.

At least 10 school days before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- request copies of any further written material to be submitted to the committee at least 5 school days before the meeting.

Any written material will be circulated to all parties at least 5 school days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

The committee will consider the complaint and all the evidence presented. The committee can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

The Chair of the Committee will provide the complainant and St Ambrose College with a full explanation of their decision and the reason(s) for it, in writing, within 15 school days.

The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by St Ambrose College.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions St Ambrose College will take to resolve the complaint.

The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained

about. Furthermore, they will be available for inspection on the school premises by the proprietor and the Principal.

A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing.

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 (recommended at least five school days in advance);
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings by taking discursive minutes;
- notify all parties of the panel's decision.

The Clerk should share copies of the panel meeting minutes with all parties involved in the panel hearing, providing a reasonable opportunity for the minutes to be agreed or challenged.

The role of the Chair of the Governing Body or the nominated Governor

- Check that the correct procedure has been followed;
- If a hearing is requested, 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.

Confidential Records

A written record shall be kept of all complaints, and whether they are resolved at an early stage, or proceed to the panel hearing. Correspondence, statements, records and so forth relating to individual complaints are to be kept confidential except where the Secretary of State or the Education & Skills Funding Agency or appropriate inspector requests access to them.

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 (including the reasons for the decision); 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.

The final stage of an appeal is to the Education & Skills Funding Agency ("E.S.F.A.")

Complainants who are not satisfied about the handling of their complaint may contact the E.S.F.A. Further information is available in the E.S.F.A.'s publication "**Procedure for dealing with complaints about academies**" available on www.gov.uk or from College. Contact may be made-

- online via the Department for Education's **schools complaints form** (available using '**Contact the Department for Education**' 'I would like to submit a complaint' at www.gov.uk)
- by post to: Ministerial and Public Communications Division, Department for Education, Piccadilly Gate, Store Street, Manchester, Lancashire, M1 2WD

Summary for Dealing with Complaints

Stage 1 – Complaint heard by staff member

- Ensure the person in charge of records of complaints is informed of outcome.

Stage 2 – Complaint heard by Principal

- Acknowledge receipt of complaint and process for Stage 2
- Write to Complainant with outcome of investigation
- Ensure the person in charge of records of complaints is informed of outcome
- Offer escalation to Stage 3 if dissatisfied and not resolved

Stage 2 - Complaint heard by Chair of Governors (*If Complaint is regarding the Principal or a Governor*)

- Acknowledge receipt of complaint
- Write to Complainant with outcome of investigation
- Ensure the person in charge of records of complaints is informed of outcome
- Offer escalation to Stage 3 if dissatisfied and not resolved

Stage 3 – Governor’s complaints panel meeting arranged

- Issue letter inviting Complainant to meeting
- Issue letter confirming panel decision
- Ensure the person in charge of records of complaints is informed of outcome
- Advise of escalation routes to Education & Skills Funding Agency

Example of the format of a complaint

Please complete and return to College. Someone will acknowledge receipt and explain what action will be taken.

Your name:

Pupil's name (if relevant):

Your relationship to the pupil (if relevant):

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:

Complaint referred to:

Date: