



## COMPLAINTS POLICY

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**Parkview Academy offers education and support to young people who are unable to access education in mainstream or other settings. We are working to be recognised and respected as a leader in individualised education for young people with complex and special needs.**

### **Ethos**

Our school ethos and values are informed and guided by ensuring the Well-Being and educational progress of each learner to ensure we help each individual to achieve more; in particular, the Parkview Academy Mission which states:

To educate, inspire and support children and young people through a creative process which promotes positive growth and change.

To remove barriers to learning in order that children and young people can enjoy school and are encouraged towards lifelong learning.

To specifically target social, emotional and behavioural skills and educational progress in order that all children and young people achieve their full potential.

### **Introduction**

All our students are referred to us by local and neighbouring Education Authorities/Councils and sometimes direct from local schools. Our pupils are taught on a one to one basis or in small groups. Each student has a tutor and is also supported by a range of educational professionals.

### **Our school ethos**

Our school is a learning community where pupils, staff and parents/carers and visitors, feel welcome and valued, safe and ready for the work we share.

We believe each individual is unique and has his/her own special talent which can be developed in a calm, thoughtful and ordered school where there is fairness, understanding, clear rules, and where the consequences of actions are accepted by all.

With these elements in place we believe it is possible for every pupil, perhaps for the first time, to enjoy their education, to achieve to their potential and to feel that the problems that have led them to us can be worked with and their lives changed so they can hope and plan for a better and more fulfilling future.

### **Our values, insofar as they affect this policy are:**

- Our school is a collaborative learning community where we seek to use every members creativity and resources and where everyone feels they belong
- Diversity of views, experiences, ideas and skills among pupils, staff, parents/carers and in the curriculum is strength to be celebrated. We promote awareness of and respect for cultural, individual and role differences, including those due to age, gender, race ethnicity, national origin, religion, sexual orientation, disability, language, philosophical orientation and socioeconomic status. We challenge views

and actions that lack respect for others or promote notions of superiority and inferiority between people.

- Only through a system which encourages openness and transparency can we best safeguard children, young people and staff we encourage our pupils, parents/carers, staff and Local Authority clients to complain about any aspect of our service that could be improved on. We are vigilant about keeping our pupils safe and we ensure they are aware of how to keep themselves safe.
- We want to improve and welcome all opportunities so to do. We are a learning community and seek to learn from our partners, internal colleagues and consultants and external inspectors and others with expertise to share. Our staff are committed to Continuing Professional Development (CPD)
- Finally, to reiterate: we are a learning community. Mistakes may be made by all members of the community from time to time. These are our opportunities for learning and change. We work with hope for a better tomorrow when today has been hard.

### **Introduction**

As our values, set out above, make clear, we recognise that everyone makes mistakes. What is important, however, is that when mistakes are made there is a clear and fair approach to putting things right again.

The aim of this Complaints Policy and Procedure is to ensure that every parent/carer and pupil involved in Parkview Academy understands our policy and has access to an informal and formal procedure that supports and enables them to raise concerns or complain about any aspect of our school and service.

It is important to stress that this policy and procedure is in place for all parents/carers and pupils in our school. Staff who have concerns or complaints are expected to raise these through the school staff grievance policy and procedure.

**Initial Concerns:** At the outset of any concern being raised staff must be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.

The underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure should not in any way undermine efforts to resolve the concern informally. In most cases the class teacher or the individual delivering the service will receive the first approach.

It would be helpful for everyone if staff are able to resolve issues on the spot, including apologising where appropriate.

**Formal Procedures:** The formal procedures will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

**Richard Johnson, the Headteacher** is the Schools nominated member of staff with responsibility for the operation and management of the school complaints procedure.

### **Framework of Principles:**

The Complaints Policy and Procedure will:

- encourage resolution of problems by **informal** means wherever possible;
- be easily **accessible** and **publicised**;
- be simple to understand and use;
- be **impartial**;
- be **non-adversarial**;
- allow **swift** handling with established **time-limits** for action and keeping people
- informed of the progress;
- ensure a full and **fair** investigation by an independent person where necessary;
- respect people's desire for **confidentiality**;
- address all the points at issue and provide an **effective** response and **appropriate** redress, where necessary;
- provide **information** to Parkview Academy so that services can be improved.

### **Complaints; The Policy**

We want everyone involved in Parkview Academy to be able to tell us if they think we are doing something wrong or acting unfairly in any way. Our policy is that, when concerns are raised or complaints are made, we will do everything in our power to put things right as quickly as possible.

We recognise that it is essential to be open to criticism or complaint from any source and that only by being open to criticism or complaints can we hope to improve our service and the attainment of the pupils we teach. Therefore we welcome concerns and complaints. Concerns and complaints are often caused by simple mistakes or misunderstandings, or thoughts and feelings that have not been aired or acknowledged. We would anticipate that these and other issues can be quickly and informally resolved through improved communication and immediate response. At other times, or if an informal complaint is not resolved to the complainant's satisfaction, it may be necessary to use the formal complaints procedure. It is important that this choice is always available.

### **Standards**

The following standards set out clearly the responsibilities of managers and staff for responding to and resolving concerns and complaints when they are first raised, unless they are of a very serious nature or are about the Head Teacher in which case the matter will be dealt with as a formal complaint under the procedure set out below.

### **Staff: responding to Concerns and/or Complaints in an informal manner:**

When a concern or complaint is first raised all staff should keep in mind ways in which it could be resolved. It might be sufficient to acknowledge that the concern or 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 school policies in light of the complaint.

All concerns or complaints must be written up and reported to the Head Teacher with a clear explanation of what the concern or complaint was, what was done about it and whether the complainant was satisfied with the response.

If the concern or complaint cannot be resolved or the complainant is not satisfied the matter should be referred to the Head Teacher for investigation and the complainant informed that this action has been taken

**The Headteacher must ensure, when they investigate complaints, that they:**

- 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 is necessary)
- clarify what the complainant feels would put things right
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- conduct the interview with an open mind and be prepared to persist in the questioning
- Keep notes of the interview.
- Ensure the Proprietor has a copy made available for inspection

Complainants will be encouraged to state what actions they feel might resolve the problem at any stage during the resolution of the complaint.

This procedure should identify areas of agreement between the parties and clarify any misunderstandings that might have occurred to ensure that a positive atmosphere in which to discuss any outstanding issues will be created.

**Complaints: The Formal Procedure**

We expect that most concerns and complaints will be dealt with in the manner set out above.

- 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.
- In all cases where the complaint concerns the school’s Head Teacher directly, the complaint will go to (stage 3) of the formal complaints procedure.

In some cases, it may be deemed inappropriate for individuals to discuss their concerns informally.

- In such cases, complainants must be directed to contact the Head Teacher directly. Complainants may choose to contact the Head Teacher directly of their own accord. (Stage 2)

In these cases it will be at the discretion of the Head Teacher as to whether or not it is appropriate for the complainant to discuss the matter informally (return to stage 1).

### **Who is allowed to complain?**

This policy may be used by anyone who has a concern or complaint about any aspect of the school. In the main this will mean the pupils, or the parents or carers of the school's pupils, but may include the County Council, partner agencies, neighbours of the school, or any other members of the local community.

### **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 school.

### **Monitoring complaints**

At all formal stages of the complaints procedure, the following information will 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 **Head Teacher** will act as the 'complaints co-ordinator', and will have the responsibility for the operation and management of the school complaints policy and will be responsible for monitoring complaints. Records will be retained for the periods specified in the procedure guidance. The only instance where the Head Teacher will NOT act as the 'complaints co-ordinator' will be when the complaint is made against the Head Teacher and has reached the Formal stage. In this instance the Managing Director will take on the 'complaints co-ordinator' role and the complaint will go straight to Stage 3.

### **Upholding or not upholding complaints**

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

- That the complaint is upheld (in part or in full) and, where appropriate, some form of action is taken.

Or

- 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 school 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**

It is a legal requirement to publicise our complaints procedures.

- The complaints policy will be available on our website

All staff and members of Parkview Academy management will be made aware of the complaints procedure in their staff induction. At all stages of the complaints procedure, everybody involved will be clear about what is happening and what their responsibilities are. Written records will be kept as evidence of procedures followed. In addition, the complainant will be told how to proceed to the next stage of the procedure if and when their complaint is not upheld.

### **Confidentiality**

Confidentiality is vital. All conversations and correspondence will be treated with discretion. Complainants have the right to know what use will be made of personal information and accordingly, personal information will only be shared between staff on a 'need to know' basis.

(The exception to this is the requirement of the school to provide parents and other interested parties with information about the number of complaints registered under the formal procedure during the preceding year, and to inspectors conducting inspections under section 162A of the education act 2002, as amended by schedule 8 of the education act 2005, or to the Secretary of State, should they ask for such records.)

### **Equal access, accompaniment and representation**

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 or represented by a friend or relative** at discussions and hearings and/or to submit formal complaints which have been written by another individual on their behalf. Should any meeting need to be held where any parties would have difficulties in terms of access, we will assist with providing an appropriate venue.

It is an expectation that equal respect will be granted to each person involved within the process and that differences between people will be respected and understood.

### **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 will be considered as closed.

### **Changes to time limits and deadlines**

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.

### **Appeals**

If at any stage, as the result of a complaint, a decision or course of action is taken with regards to an individual (apart from the complainant) which they feel is ungrounded, unjustified or incorrect they have the right to appeal. The School's appeal procedures will facilitate this.

### **The Steps in the Complaints Process are outlined below in detail:**

1. When a complaint is made, whether formally or informally, it must always be recorded, to show the date and time of the complaint being made; the name of the person making it; the nature of their complaint; any response required/given; and the name of the person(s) dealing with it. Details of any complaint must always be carefully recorded, along with any supporting information such as to whom the complaint was made or evidence in support of the complaint.
2. Information about any complaint made must be passed immediately to a senior manager in the school, for them to make an initial assessment as to its seriousness and to monitor how complaints are being handled.
3. A decision must also be made at this stage as to how and when to inform any third party(ies) who may be the subject of the complaint.
4. The person making the complaint must be given the opportunity for their complaint to be dealt with informally in the first instance, (stage 1) with the assurance that their complaint will be taken seriously. They must also be assured that if they are not satisfied with the response they are given, they have the right to make their complaint formal. A copy of the 'Complaints leaflet' should be given to them.



5. When a formal complaint is made, it must be recorded in the 'Complaints File' and given a reference number based upon the date the complaint is received, the name of the person dealing with it, the name of the education site involved and the initials of the Parkview Academy person making the complaint. (Stage 2) For example:  
Complaint reference number - 30.9.04 / (PR) / site name / (CI)
6. The reference number and name of person dealing with the complaint must be given to the person making the complaint within 24 HOURS or 1 WORKING DAY of the complaint being received.
7. The matter should then be looked into and responded to, if not in full, within 3 WORKING DAYS, providing written details of how the matter has been dealt with or the timescale during which it will be investigated and fully addressed.
8. A written record will be kept throughout of all communication and actions planned or taken, so that the progress of any investigation can be monitored. The records will indicate whether the complaint was resolved satisfactorily at the preliminary stage or proceeded to a panel hearing.
9. The person assigned to investigate the matter must be independent of the substance of the complaint. If necessary, a senior member of staff from another site may be asked to undertake the investigation.
10. If the complaint cannot for any reason be investigated and responded to fully within 3 WORKING DAYS, the complainant should receive a written and verbal explanation stating what steps have been taken and the time frame for completion. The process of investigation and response should not exceed 10 WORKING DAYS, except in rare and exceptional circumstances. If this does occur it is vital that the Complainant is informed as to when they may expect a full response. It is essential throughout that the Complainant is kept fully informed of the progress of their complaint.
11. In response to any formal complaint, a written report must be prepared for the Head Teacher and Proprietor. The Head Teacher will consider the investigator's report and make a formal response. Should the matter then remain unresolved to the Complainant's satisfaction, he or she has the right to appeal the outcome, within 20 WORKING DAYS or 4 WEEKS of the Head Teacher's report being received.
12. Where the Complainant wishes to appeal against the response provided, an Appeal hearing will be arranged by the Head Teacher of Parkview Academy, Head Office, Gravesend on behalf of the Proprietor. The appeal will be heard by a panel of at least 3 people, who have not previously been involved in the Complaint. At least one panel member will be independent of the management and running of the school.
13. The complainant may attend the panel meeting and may also be accompanied by a friend.

14. The Appeal hearing will be arranged and an Appeals panel convened by the Managing Director within 15 working days, with at least three working days' notice given.
15. Panel members will be asked to consider the substance of the original complaint and the response provided to this complaint by the Head of School. They will then be free to make their own findings and recommendations.
16. The outcome of any Appeal hearing will be formally recorded and copies of the findings and recommendations distributed within 5 working days to the Complainant, the Proprietor, Headteacher, Parkview Academy, LEA and, where possible, any person(s) about whom the complaint has been made.

### **Summary**

This policy sets out the procedures which Parkview Academy will follow whenever it receives a complaint.

A summary of the various stages is given below:

#### **Primary Responsibility:**

- Informal discussion and resolution Informal Stage - School Staff
- Investigation by head teacher Formal Stage – Head Teacher
- Complaints committee – Parkview Academy
- Local Education Authority investigations - LEA

Each of these stages will usually occur in order and there will usually be no return to previous stages (exceptions to this are noted within the procedure). It is stressed that the majority of complaints are resolved on an informal basis (stage 1).

#### **Circumstances under which this procedure should not be used:**

- Complaints about the national curriculum
- Collective worship
- Religious education
- Non-approved external qualifications or syllabuses
- Temporary withdrawal of pupils from all or part of the national curriculum
- Pupil admissions
- Pupil exclusions

#### **Issues related to child protection, criminal investigations and employee grievances will be handled separately from this policy.**

This complaints policy is distinct from formal staff disciplinary proceedings and this should be made clear to all concerned. There may be occasions where a complaint gives rise to disciplinary procedures which put the complaints process on hold.

If and when this occurs, the complainant should be informed. Any non-disciplinary aspects of the complaint should continue to be dealt with through the usual complaints procedures. If another policy is more appropriate than this complaints policy for any given situation then it should be used in preference to it.

#### **Who to speak to informally**

Individuals may decide to raise their concerns with a member of the school administrative staff, class teacher, senior management or head teacher depending on their wishes and the type of issues they want to discuss.

### **Monitoring**

A brief note of all such issues should be kept

### **Time scales**

There are no specific time scales for dealing with concerns at this stage. However, as at all stages, issues should be considered and dealt with as quickly and effectively as possible.

### **Response**

The individual who raised the issue should be informed of any action to be taken to resolve the issue. If appropriate, this might be confirmed in writing.

### **Options for complainant**

If the individual is dissatisfied with the response they have been given and would like to take their complaint further, they should be referred to the school's complaints procedure and Accompanying public guidance leaflet and told how to move on to the next stage.

## **REFERRAL TO THE COMPLAINTS COORDINATOR**

### **Introduction**

This is Stage 1 of the formal complaints process and, as a result, all communications between parties need to be carefully recorded and monitored as set out in the 'monitoring complaints' section of this document.

### **Informal discussion with head teacher**

Before proceeding with a formal investigation, the head teacher will meet with the individual and discuss their concerns and wishes. It may still be appropriate and satisfactory to reach an informal resolution at this point. If not, the head teacher will decide whether the individual's complaint will be dealt with by this policy or another statutory procedure and advise them on what they will need to do.

### **Submitting a formal complaint**

By this stage it must be clear that the concern is a definite complaint which will be dealt with according to this policy and should be formally submitted in writing to the head teacher. As indicated within the 'equal access, a complainant and representation' section of this policy, all complainants have the right to submit formal complaints, at this or any stage, which have been written by another individual on their behalf.

### **Acknowledgement and time scales**

The head teacher should formally acknowledge the complaint within 3 school days of receiving it and begin an investigation.

### **The investigation**

The head teacher will need to investigate the complaint and review any relevant documentation and information. If necessary, the head teacher will interview witnesses and take statements from those involved. If the complaint centres on a pupil, the pupil will also usually be interviewed. As indicated within the 'equal access, accompaniment and representation' section of this document, all individuals have the right, at this or any other stages, to be accompanied or represented by a friend or relative at discussions and hearings. This includes the right of teachers to be accompanied by a representative from their Trade Union. When pupils are interviewed, an additional member of staff should always attend.

### **Response**

The head teacher will provide the complainant with a full written response within 10 school days of acknowledging it. This response will determine whether or not the complaint has been upheld, the reasons why, and what action (if any) will be taken.

### **Options for complainant**

If the individual is dissatisfied with the response they have been given and would like to take their complaint further, they should be referred to the school's complaints procedure and accompanying public guidance leaflet and told how to move on to the next stage.

## **Review by Parkview Academy Management**

### **Introduction**

Complaints only rarely reach this formal level, but it is important that senior managers are prepared to deal with them. (Stage 3). Upon receiving a formally submitted complaint at this stage the company operations manager will usually choose to deal with it by holding a complaints committee hearing. However, in some cases, it may be possible and appropriate for the senior management team to resolve the issue with the complainant by other means without the need for a complaints committee review. The complaints committee must be clerked; the clerk may be a member of the school staff.

### **The committee**

Parkview Academy will nominate three people to the complaints committee who have not previously been involved with dealing with the complaint. If possible, one of the complaints committee will be nominated by the LEA as independent of the management and running of the school. The committee should elect its own chair.

### **Submitting a formal complaint**

The complainant must submit a written request the Head Teacher for their complaint to be considered by a complaints committee.

### **Acknowledgement and time scales**

The Head Teacher should acknowledge receipt of this letter within 5 school days if possible but no more than ten at most by writing to the complainant. This letter will inform them that their complaint will be heard by a complaints committee within 15 school days of the date of this letter.

### **Preparation**

The Head Teacher will then contact the clerk and ask him or her to begin making preparatory arrangements. The clerk will convene a meeting of the complaints committee.

The membership of the complaints committee will be confirmed, a date and time will be arranged for a hearing and all existing relevant documentation will be given to the three appointed members.

The clerk should then formally write to the complainant, the head teacher and any other relevant staff or witnesses and inform them:

- Of the date, time and venue of the hearing
- Of the aims and objectives of the hearing and how it will be conducted
- That any documentation they wish the committee to consider must be returned to the
- Clerk no later than 5 school days before the hearing takes place
- Of the rights of equal access, accompaniment and representation as set out within this document;
- How and when the committee will reach their decision.

It is the responsibility of the clerk to ensure that all parties receive all relevant documents at least 3 school days before the date of the hearing so as to allow individuals to familiarise themselves with them.

### **The Hearing**

The hearing should allow each party involved to explain their understanding or interpretation of events and for other parties to question them. The hearing will, therefore, usually operate according to the following format:

- The chair will introduce all parties to one another and explain the principles, objectives and format of the hearing
- The complainant will be given the opportunity to explain their complaint. Following this the head teacher and the complaints committee will be allowed to ask the complainant questions.
- The head teacher will then be given an opportunity to explain the school's official response, interpretation or view about the complaint. Following this the complainant and committee will be allowed to question the head teacher.
- Every party will be given the opportunity to call witnesses and question witnesses called by other parties.
- The head teacher and the complainant will both be given the chance to give final statements.
- The hearing will be concluded by the chair who should explain that the committee will consider its decision and write to both parties within 5 school days informing them of the outcome.

### **After the hearing**

The committee will then consider the complaint and all the evidence presented and:

- Reach a unanimous, or at least a majority decision, on the complaint;
- Decide upon the appropriate action (if any) to be taken;
- Where appropriate, suggest changes to, or request a review of, the school's systems or procedures to ensure that problems of a similar nature do not happen again.

This information will be included in both the letters to the head teacher and the complainant.

### **Options for complainant**

If the individual is dissatisfied with the response they have been given and would like to take their complaint further, they should be referred to the school's complaints procedure and accompanying public guidance leaflet and told how to move on to the next stage.

### **Complaints Policy: Pupil Procedures**

It is the aim of Parkview Academy to ensure that all of the pupils who attend the school have access to and understand the policy and procedures relating to the Complaints Policy.

The aim of this Complaints Policy and Procedure is to ensure that every parent and pupil involved in Parkview Academy has access to an informal and formal process in which to complain about any aspect of school which affects their educational development.

### **Pupil Concerns and Complaints**

Pupils will be encouraged to take full advantage of the procedures involved in this policy if they want to make a complaint using the process, informally or formally.

A member of staff that the pupil is comfortable with can help the pupil complete the complaints form by writing the words for him/her, or by giving moral support whilst the pupil is discussing their complaint with the teacher or other person in the early stages of the process.

All pupils will be encouraged to ask for support in either of the above ways to ensure they feel confident and secure in making a complaint following the recommended procedures in this policy.

### **Provision of Complaints forms to each pupil and their parents/carers**

It is vital that all pupils and their parents/carers are given a complaints format as soon as the School makes contact with them at the referral stage.

### **Review Policy**

This policy was formally adopted by Parkview Academy on 1<sup>st</sup> December 2011 and replaces all previous policies, procedures and guidelines in use within the company.

It will be further developed by staff and pupil review and discussion and given a formal review annually.

Reviewer: Upper Level Management incorporating the Executive Board

Interim Review 3/7/2018

Date of next formal review: July 2019