



COMPLAINTS PROCEDURE

SECTION 1: Principles and Guidelines underlining how complaints will be dealt with

Principles

- Issues will be dealt with informally wherever possible.
- Issues will be directed to staff who can deal with them without having to initially involve the Managing Director.
- The organisation will accept where it has not performed as agreed.
- The organisation will welcome parents/carers who raise issues seeing them as advocates for their children.
- The organisation will be prepared to learn and implement change if warranted and acknowledge this to parents.
- The organisation will make parents aware of the organisation complaints procedures, (prospectus, website, displayed in organisation) Section 29 Education Act 2012.
- The organisation will always keep in mind the wish to maintain good relationships with the wider community of the organisation.
- A process will be maintained which is impartial, non-adversarial and confidential.
- The organisation will always try to resolve complaints as quickly as possible.
- Staff involved will be kept informed and the outcomes of the complaint will be reviewed with them

Guidelines for Resolving Complaints:

The organisation will:

- listen to the complaint in a non-judgemental objective manner.
- indicate a time by which a reply is to be made and adhere to this.



- respond to the facts.
- respond honestly and be prepared to acknowledge any shortcomings and will detail actions to be taken to resolve the issue.
- bear in mind that agreeing the organisation could have dealt with a situation better is not an admittance of negligence.
- ensure they inform the complainant about what steps have been taken to resolve their complaint. However, in the event of a sanction being issued to a member of staff following a complaint the organisation is not required to provide details about the process or the sanction delivered.

It is recognised that organisations can be the subject of vexatious complaints and where following completion of the process, this is the case, it is appropriate to seek an apology from the complainant.

General complaints may cover issues such as home organisation communication, homework, (setting of or volume) organisation including uniform, lunchtimes arrangements, access to extra-curricular activities and educational visits, SEN provision and issues between pupils including claims of bullying. This list is not meant to be exhaustive.

The organisation will monitor complaints of all types and use the data to inform organisation development and improvement.

SECTION 2: The Informal Stage

A complainant should contact the organisation in the first instance. The organisation will attempt to resolve the issue informally and this will normally involve a conversation and/or meeting with the complainant.

SECTION 3: The Formal Stage

The organisation's formal complaints procedure falls into three parts if it has been unable to deal with the issue informally.

STAGE 1: The complainant makes a formal complaint in writing to the organisations designated complaints officer usually the Managing Director.



- The organisation should first decide if the complaint relates to safeguarding or professional conduct or if the complainant is a member of staff constitutes a grievance and follow the appropriate procedures accordingly.
- The complaints officer should respond in writing within 5 working days. Initially the response should be to outline the proposed actions to investigate or seek further information. The response or outcome to the complaint should then be notified to the complainant again within a maximum of 10 working days addressing particularly all factual issues raised. If the complainant responds again in writing with other issues or not accepting the initial response the organisation should respond again in writing. A meeting with a senior member of staff or the Managing Director may be appropriate. If it is felt a definitive response has been provided include the additional steps complaints can take within the procedure.

STAGE 2: If the complainant feels their issue has not been dealt with to their satisfaction at **Stage 1** they should write to the Managing Director requesting that the complaint be dealt with by a panel of 2 Governors and 1 person who is independent of the management and running of the organisation (**APPENDIX 1**)

STAGE 3: If the complainant is still not happy with the outcome following representation to the governing body the final stage is to complain directly to the Secretary of State. Complainants should be provided with the necessary details to do so if they wish. The Secretary of State can only respond to complaints if;

‘a person believes that a governing body or LA is acting ‘unreasonably’ or is failing to carry out its statutory duties properly (see sections 496 and 497 of the Education Act 1996). However, intervention can only occur if the governing body or the LA has failed to carry out a legal duty or has acted unreasonably in the performance of a duty. Intervention would have to be expedient in the sense that there would have to be something that the Secretary of

State could instruct either party to do to put matters right. The Secretary of State must be satisfied that a decision is unreasonable in the sense that no reasonable authority or governing body, acting with due regard to its statutory responsibilities, would have reached that decision.’ (Guide to the Law for organisation Governors Jan 2010)

In cases where a complaint is received specifically about the provision of collective worship in a organisation or National Curriculum Entitlement a complainant may then take the complaint to the Local Authority. Complainants should have this option pointed out to them.

SECTION 4



Where the organisation receives a complaint about the conduct of a member of staff the organisation will initially make a judgement whether this could be considered a disciplinary issue or more importantly a safeguarding issue.

Where the complaint comes under the area of professional conduct then the organisation will follow the agreed disciplinary procedures.

SECTION 5

When the organisation receives a complaint that could be construed as a safeguarding concern, i.e. conduct of a member of staff towards a pupil action by a member of staff that could have put pupils at risk, or conduct of a staff member that could be construed as inappropriate e.g. misuse of information technology, then the organisation will refer immediately to the, **'Managing Allegations Against Staff Procedures'** issued by **Warwickshire Childrens Safeguarding Board.**

SECTION 6

In situations where staff make a complaint about other staff or governors or a governor initiates a complaint about a member of staff the initial decision should be once again whether it relates to safeguarding, professional conduct or constitutes a grievance. Please see manual for allegations towards staff in safeguarding folder in the office.

SECTION 7

In the case of complaints received in organisation related to SEN provision for an individual pupil or group of pupils the initial route for dealing with the issue raised would be through the organisation's general complaints procedures including efforts to resolve issues informally wherever possible. This would include pupils on the organisation's SEN register at organisation action or organisation action plus.

Where pupils have a statement of special educational need, the annual review process should also be used to help resolve issues raised. As part of the statementing process parents will be made aware of the appeals process during the drawing up of the initial statement and the role of the annual review meeting in raising concerns about provision. The organisation will differentiate between a complaint about their own provision which should be dealt with via the organisation's own procedures and a complaint about appropriate provision which may involve the LA, e.g. levels of support, access to therapies etc.



ADDITIONAL INFORMATION

- Complaints against The Directors must be in writing and directed to the Managing Director via craig@positiveimpactcic.org
- Complaints against a Director should be in writing written to the board of directors as a whole via writing to our head office and will be discussed at a full board meeting in which the Managing Director will remove from.
- For complaints made via a solicitors letter receipt should be acknowledged in writing and the letter then passed to the organisations own legal advisors for a decision as to how to proceed.
- In circumstances where pupils make a complaint outside of pastoral processes in organisation, the organisation facilitate formal hearings with Directors that are 'child friendly' and include the pupil's advocate or responsible adult in the process.



APPENDIX 1

PROCEDURES FOR CONVENING A GOVERNORS COMPLAINTS COMMITTEE

The aim should be to resolve the complaint and achieve reconciliation between the complainant and the organisation.

The committee would be clerked. The clerk will set dates, times and venue for the meeting, collate information and send it to all parties, record decisions and notify the outcome to participants.

Complainants should have the option to have someone to support them during the process. If the complainant requests to have a legal representative the hearing should be postponed to allow the organisation to take advice or to request legal support also. The committee may also wish to have support in this event. The organisation may decide that legal representation is not appropriate in such a hearing and would take advice as to an alternative way forward if a complainant is insistent that they wish to be so represented. In any event the nominated support for the complainant is there for that purpose and not to take part in the process.

SAMPLE TIMETABLE

10 working days to lodge an appeal to Board of Directors from the date of the definitive initial response to the complaint via the complaints officer (Craig Sweeney- Managing Director).

Acknowledge the receipt of the written appeal within 5 working days and forward the details of the complaint and appeal to the Board of Directors.

The meeting should be convened within 15 working days or on a date agreed with the complainant.

The complainant should receive the decision of the complaints committee in writing within 5 working days.

The complainant and the organisation should be required to forward to the clerk all relevant information and notification of any witnesses they may wish to call 5 days in advance of the hearing date.



SAMPLE PROCESS

- Chair introduces the committee and all participants and sets out the process and principles guiding the hearing.
- Complainant presents their complaint (information previously provided or relevant witnesses).
- Opportunity for the organisation to respond to information presented and ask questions of the witnesses.
- Opportunity for the committee to do so also.
- organisation presents their response to the complaint and any actions taken including relevant witnesses if necessary.
- Complainant has the opportunity to respond and ask questions of witnesses or to query information provided.
- Opportunity for the committee to do so also.
- Complainant to make summary statement if they wish.
- organisation to make summary statement if they wish.
- Opportunity for the committee to put any further questions or re-visit any element of the information provided.
- Committee withdraws with an undertaking to provide a written decision within the specified timescale.