



Partnership Achievement Community Excellence

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## Complaints Policy

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Agreed by Directors: January 2018

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## **Principles**

From time to time parents and others connected with the school will become aware of matters which cause them concern. To encourage resolution of such situations the academy has developed a school complaints policy.

The Academy will take complaints seriously and expects that they are dealt with comprehensively, at the appropriate level and as far as possible, in confidence. Anonymous complaints will not be investigated under this procedure unless there are exceptional circumstances.

To enable proper investigation, complaints should be brought to the attention of the school as quickly as possible. Matters raised after 3 months of the event will only be considered in exceptional circumstances.

Complaints brought by staff should be investigated using the Grievance Procedure and not this Complaints Policy.

Complaints brought by Strategic Directors or Members of the local governing body should be dealt with through the Chair of the Local Governing Body or Chair of the Strategic Board as appropriate.

This complaints policy is compliant with 'The Education (Independent Schools Standards) Regulations 2010, Part 7' – 'Manner in which complaints are to be handled'.

This Complaints Policy has been ratified by the Trust's Strategic Board, and will be reviewed annually. It will be published on the Trust's website and provided to parents and students on request by the Academy's office.

Written records of any complaint will be kept confidential and for a reasonable period of time.

## **Aims**

The complaints policy ensures that parents, carers, or any individual with a concern should have their issue resolved as quickly as possible without the need to escalate to formal stages of the procedure. However, where resolution is not achieved quickly and the person raising the complaint remains dissatisfied, the formal process will be invoked.

A parent, or other complainant should expect to have an acknowledgment of their complaint within 3 school days and the matter resolved within 20 school days. Any necessary lengthening of this process will be duly communicated.

## **Stages of the Formal Procedure**

Every attempt will be made to resolve complaints informally at stage 1, but if this fails the following procedure will be followed:

Stage 2 – Formal Complaint Heard by a Member of the senior leadership team

Stage 3 – Formal Complaint Heard by a Complaints Panel

Stage 4 – Referred to Education Funding Agency

## **Procedure**

### **Stage 1 Informal Procedure**

The class teacher, the Head of School/Head teacher or other members of staff, can deal with many enquiries and concerns satisfactorily, without the need to resort to a formal procedure. The trust values informal meetings and discussions.

There is no suggested time-scale for resolution at this stage given the importance of dialogue through informal discussion although it is expected that most issues will be resolved within 10 school days.

It's likely that many complaints can be resolved by the class teacher, however a discussion with a more senior leader may be appropriate in some circumstances. Should the face-to-face discussions appear unlikely to resolve matters, either party may initiate a move to the next stage (Stage 2) of the procedure. A copy of the Trust's complaints policy will be forwarded to the complainant at this stage.

The complainant will be asked to complete the formal complaints form and return it to the Head Teacher (or the Chair of the Strategic Board if about the Head Teacher).

## **Formal Stages of Complaint**

### **Investigating Complaints**

At each formal stage, the person / people investigating the complaint will make sure 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 contacts 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 is prepared to persist in the questioning;
- keep notes of any meetings.

The purpose of this procedure is to identify all of the facts that are pertinent to the complaint so that it can be resolved to the satisfaction of the complainant. However, there may be occasions when, despite all stages of the procedure being followed, the complainant remains dissatisfied. If the complainant then tries to reopen the same issue, the Head of School/Head Teacher or Chair of the Local Governing Body is able to inform them in writing that the procedure has been exhausted and that the matter is now closed. (We may consider having a policy for vexatious complaints )

The Complaints Procedure sets out the time limits for each stage of the complaints' process. School staff will keep to these limits. However, where a complaint is of a particularly complex nature, or further investigations are required to ascertain facts, new time limits can be set. The complainant will be sent the details of any changes to the deadlines set with an explanation for the delay.

## **Stage 2 – Formal Complaint (Heard by a Member of the senior leadership team)**

Formal complaints should be sent to the Head of School/Head Teacher on the complaints form (see Annexe 1) it should set out why you are dissatisfied and what outcomes you are seeking. The Head of School/Head Teacher will acknowledge the complaint within **3 school days** and identify the appropriate member of staff to handle the formal complaint. If the complaint is very serious then the Head of School/Head Teacher, at their discretion, may escalate the procedure directly to Stage 3.

Where the complaint concerns or significantly involves the Head of School/Head Teacher, the Trust's Executive Head Teacher or a Governor, the complainant will be referred to the Chair of the Strategic Board. The Chair of the Strategic Board will consider the complaint as a Stage 3 formal complaint.

The member of staff assigned to conduct an investigation should aim to communicate the outcome within 20 school days. The written response will include a full explanation of the decision and the reasons for it. Where appropriate it will include what action the school will take to resolve it.

If the complainant still feels the complaint has not been resolved satisfactorily they may send a further written request to proceed to stage 3, within 10 school days. If no further communication is received from the complainant within 10 school days it will be deemed that the complaint has been resolved and is closed.

## **Stage 3 – Appeal Heard by the Complaints Panel**

If the complainant is dissatisfied with the way the complaint was handled at 'Stage 2', they may proceed to 'Stage 3'. The complaint should be sent to the Chair of the Strategic Board who will decide the composition of the complaints panel. However the panel will usually include the chair of the governing body, a member of the strategic board and another member of the governing body. It will always include a senior leader/governor from another Trust school.

The same timings will apply as in 'Stage 2'.

In cases of complaints about the Executive Head Teacher, or a governor the strategic board will consider it as a Stage 3 formal complaint. In this case the Chair of the Strategic Board will nominate 3 members of the board to hear the complaint. If the complainant is unhappy with the outcome at 'Stage 3' then an Appeal Panel, made up of the Chair and 2 members of the strategic board who have had no previous involvement with the complaint, will hear it.

### **Conduct of Complaints Appeal Panel**

The Complaints Panel will review all previous documentation in relation to the complaint and may hold a hearing if appropriate.

If a hearing is proposed, the Clerk/Secretary to the Strategic Board will write and inform the complainant, any witnesses and the panel of the date and location of the meeting at least **5 working days** in advance. The notification to the complainant should also inform him/her of the right to be accompanied to the meeting by a friend/ interpreter. For the avoidance of doubt, the complainant's supporter will be present for moral support only and will not play any part in the proceedings, unless invited to do so by the Chair of the Complaint Panel, entirely at his or her discretion. The Complaint Appeal Panel is not a legal hearing and it is not appropriate for either the complainant or the school to be legally represented. The school will be represented by the person who dealt with the complaint under Stage 2.

The letter will explain how the meeting will be conducted and the complainant's right to submit further written evidence to the panel. This should arrive at least 5 working days before the Complaints Appeal Panel convenes. The Executive Head has the right to bring representation if so desired.

The individuals sitting on the appeal panel should bear the following in mind:

- It is essential that the appeal hearing is independent and impartial. No individual may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised that 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.
- 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. The panel Chair will ensure that the proceedings are as welcoming as possible.
- The Clerk/Secretary to the Strategic Board is the contact point for the complainant and will:
  1. 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;
  2. Collate any written material and send it to the parties in advance of the hearing;
  3. Meet and welcome the parties as they arrive at the hearing;
  4. Record the proceedings;
  5. Notify all parties of the panel's decision.
- The Chair of the panel has a key role in ensuring that:

1. The remit of the panel is explained to all parties;
  2. Ensuring that all parties have the opportunity of putting their case without interruption;
  3. Parents/ carers and others who may not be used to addressing a formal panel are made to feel comfortable;
  4. agreeing the number of witnesses that may be invited to the hearing;
  5. The proceedings are fair and objective and employ the principles of natural justice.
- The usual format of the meeting will be:
    1. The Chair of the panel will welcome the complainant, introduce the panel members and explain the procedure.( any witnesses will remain outside the room until they are called to give their account)
    2. The Chair of the panel will invite the complainant to explain the complaint.
    3. The panel members will be invited by the Chair to ask the complainant questions, if any.
    4. The Complainant will then be asked to leave the room.
    5. The School's Representative, if present , will be invited to respond to the complaint and make representations on behalf of the school, then be asked questions by the panel;
    6. Witness will be invited individually into the room to give an account of what they saw or know;

### **The Appeal Panel's Decision**

The Appeal Panel will convene in private, either immediately after the Appeal Panel Hearing or on a subsequent date, and will consider all of the documentation and everything that they have heard at the Appeal Panel Hearing and make:

#### **Findings of Fact:**

The Appeal Panel will decide which facts are established to be true, on a balance of probabilities (i.e. more likely than not). If a fact is not deemed relevant, the Appeal Panel will not consider it further. The Appeal Panel will make a written record of the facts that have been established, those which have not been established and those which are not relevant, with their reasons for making these findings

#### **Recommendations**

The Appeal Panel will consider the aforementioned facts and will make recommendations based upon them. These recommendations may be aimed at achieving reconciliation between the parties, improving procedures or preventing a recurrence in the future. The Appeal Panel will keep a written record of their recommendations, with reasons.

The panel can:

- Dismiss the complaint in whole or in part:

- Uphold the complaint in whole or in part;
- Decide on the appropriate action to be taken to resolve the complaint:
- Recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

### **Notification of the Complaint Panel's Decision**

The Clerk to the Strategic Board will write within 10 school days of the Appeal Panel Hearing to the: Complainant; the School's Representative; Any person complained about;

The letter will identify each of the issues complained about, summarise how the Appeal Panel Hearing proceeded, and confirm each of the Appeal Panel's findings of fact and recommendations, if any, with reasons. The letter will also confirm that, if the Complainant believes that this Complaints Policy does not comply with the Regulations, or that the school has not followed the procedure outlined in the Complaints Policy, the Complainant may refer their complaint to the Education Funding Agency for further consideration

The Clerk to the Strategic Board will also ensure that a copy of the appeal Panel's findings and recommendations are made available on the school's premises for inspection by the Trust, the Local Governing Body and the Executive Head

### **Complaint Procedure Referred to Education Funding Agency**

If a complaint has been through all the stages of the Trust's complaints procedure but the complainant remains dissatisfied, they can ask the Education Funding Agency (EFA) to review the handling of the complaint.

Further information about referring the handling of a complaint to the EFA can be found at:

- The complaints about academies page on the Department for Education website Provide the link
- Write to Academies Central Unit (Academy Complaints), Education Funding Agency, Earlsdon Park, 53-55 Butts Road, Coventry, CV1 3BH
- Telephone the Department's Public Communications Unit on 0370 000 2288

Annex A – Complaints Form

Please complete and return to the school who will acknowledge receipt and explain what action will be taken.

Your name:

Pupil's name (if applicable): Your relationship to the pupil: 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: Official use

Date acknowledgement sent: By who:

Complaint referred to: Date: