



Complaints Policy

Statutory

Created by: Mrs C Holt

Date presented to governors: 31 March 2016

Review Date: Autumn Term 2018

For public viewing



CONTENTS

1. INTRODUCTION AND SCOPE	3
2. WHAT IS A CONCERN OR A COMPLAINT	3
3. MAKING A COMPLAINT	3
WHO TO COMPLAIN TO	3
4. THE COMPLAINTS PROCEDURE	4
INFORMAL STAGE.....	4
FORMAL STAGE	4
APPEALS STAGE	5
ESCALATION OF COMPLAINT.....	5
5. WITHDRAWAL OF A COMPLAINT	6
6. COMPLAINTS ABOUT A GOVERNOR	6
7. NEXT STAGES.....	6
8. SERIOUS ALLEGATIONS OR COMPLAINTS	6
9. UNREASONABLE COMPLAINANTS	7
ANNEX 1	8

1. Introduction and Scope

The policy of the Academy is to work in partnership with parents and the wider community. It is based on the belief that co-operation and a sense of joint purpose between staff, parents and the Academy will assist in ensuring open and positive relationships. From time to time, however, parents and members of the public may express concern or make a complaint, either orally or in writing, about some aspect of the conduct/operation of the Academy, the conduct of the Principal, an individual member of staff, the Governing Body or an individual governor. The Academy will always give serious consideration to concerns and complaints that are brought to its' attention. However, anonymous complaints will not normally be considered.

In considering concerns or complaints, the Academy will ensure that they are dealt with effectively and with fairness to all parties. Where possible complaints will be resolved informally. Where a complaint has not been resolved informally, then the formal procedures set out in section "4(ii)" below will be followed.

2. What is a concern or a complaint

A concern or complaint is defined as an expression of dissatisfaction about the conduct/operation of the Academy, the conduct of, actions or lack of actions by a member of staff/the Governing Body/an individual governor, unacceptable delay in dealing with a matter or the unreasonable treatment of a pupil or other person.

Concerns or complaints relating to any of the following are not covered by these procedures, as separate procedures apply.

- Child Protection
- Freedom of Information Access
- Curriculum
- Pupil Exclusions
- Academy Admissions
- Sex Education
- Staff Grievance
- Statementing procedures for special educational needs
- Whistleblowing by an employee

Serious complaints or allegations relating to the abuse of children, assault, criminal or financial matters are also subject to separate procedures.

3. Making a complaint

Who to complain to

If the complaint is about:

- something that has happened or failed to happen in Academy, contact the Principal;
- the actions of the Principal, contact the Chair of Governors via the Academy;
- the actions of a governor, contact the Chair of Governors via the Academy;
- the Chair of Governors, contact the Clerk to Governors via the Academy;
- the actions of the governing body, contact the Clerk to Governors via the Academy.

The Academy and Governing Body would in most cases hope to resolve concerns and complaints at an informal stage, but the procedures allow for formal consideration of a complaint and an appeal stage if matters cannot be resolved.

The Academy is committed to dealing with complaints as speedily as possible and would normally plan to complete each stage within 20 Academy days. From time to time, it may not be possible to complete the process in that timescale. Where that is not possible the complainant will be informed of any delays. Where complaints are made against an individual member of the Academy staff, that person will be informed of the complaint at the earliest opportunity.

4. The Complaints Procedure

Informal Stage

The Academy will seek to resolve concerns and complaints informally with the member of staff or governor concerned and encourage the complainant to discuss with them the matters causing them concern. However, if that does not resolve the problem then the matter should informally be brought to the attention of the Principal (complaints and concerns about governors should be made to the Chair of Governors). The Principal (or Chair of Governors) will then seek to resolve the matter informally and will:

- acknowledge the complaint;
- make enquiries to establish the facts;
- seek advice as appropriate;
- attempt to resolve the matter informally;
- establish whether or not the complainant is satisfied;
- advise complainants of the next stages if they wish to proceed to a formal consideration of the complaint;
- make a brief note of the complaint and the outcome.

This stage would normally be expected to be completed in 20 Academy days. A complainant wishing to proceed to the formal stage of the procedure should normally notify the Principal/Chair of Governors within 20 Academy days of being notified of the outcome of the informal stage.

The informal stage will not be used if the allegations made refer to:

- criminal activity which may require the involvement of the police
- financial or accounting irregularities
- abuse of children

Formal Stage

Where an informal complaint has not been resolved to the satisfaction of the complainant, the complainant should write to the Chair of Governors at the Academy address. The Chair of Governors will:

- require a written record of the complaint (someone else may write this on behalf of the complainant);
- formally acknowledge the complaint;
- seek advice as appropriate;
- if the complaint concerns a member of staff (or governor) inform them and provide them with a copy of the complaint;
- arrange for a full investigation of the complaint;
- prepare a report as a result of the investigation and consider actions to be taken;

- advise the complainant of the outcome. Where it is considered no further action is needed or the complaint is unsubstantiated, the complainant should be advised, in writing. They should also be informed of their right to appeal to the Governors' Appeals Committee within 20 working days;
- make a record of the complaint and its outcome, this should be retained for Academy records.

This stage would normally be expected to take no more than 20 Academy days. The Governing Body should be informed in general terms of all formal complaints.

Appeals Stage

The Complaints Appeals Committee of the Governing Body will consider complaints where the Principal (or Chair of Governors) has not been able to resolve the complaint to the satisfaction of the complainant and the complainant wishes to appeal. Any appeal must be made in writing to the Clerk to the Governing Body (the Academy will advise the complainant of the contact details). The Committee will be convened by the Clerk. The Governing Body will establish a panel of at least 3 people who have not been directly involved in the matters detailed in the complaint. The hearing will normally take place within ten Academy days of the receipt of the written request. The panel will consist of 2 governors and one person who is independent of the management and running of the school. Parents will be allowed to attend the panel hearing and may be accompanied if they so wish. The aim of the panel hearing is to impartially resolve the complaint and to achieve reconciliation between the Academy and the complainant. All parties will be notified of the Panel's decision in writing within five Academy days after the date of the hearing. The panel will:

- consider the written materials;
- consider the complaint and the Principal's (or Chair's) action;
- invite the Principal or Chair of Governors (as appropriate) and the complainant to the meeting;
- seek advice and support as necessary.
- At the end of their consideration the Committee will:
- determine whether to dismiss or uphold the appeal in whole or part, including, if appropriate, referring the matter back to the Principal/Chair of Governors for further consideration;
- where upheld, decide on appropriate action;
- advise the complainant and Principal of their decision;
- This stage would normally be expected to take no more than 20 Academy days. In cases where the matter has been referred back for further consideration the Complaints Appeals Committee will be reconvened.

Escalation of Complaint

Should a complainant remain dissatisfied following the appeal of the complaint they will be advised of their right to escalate their complaint to the following bodies:

- **Department for Education** - If a complainant feels that the school has or is proposing to act unreasonably, or has failed to discharge a duty under certain legislation they can contact the Department for Education via the following link:
https://form.education.gov.uk/submitform.php?self=1&form_id=cCCNJ1xSfBE&type=form&ShowMsg=1&form_name=Contact+the+Department+for+Education&noRegister=false&ret=%2Fmodule%2Fservices&noLoginPrompt=1
- **Education Funding Agency (EFA)** - The EFA can support Academies to achieve a compliant procedure but it is the responsibility of Academy Trusts to make sure that their complaints procedure is fully compliant. Their responsibility is to ensure Academies comply with their funding agreements:

1. If a complaint comes to the EFA they will check whether the complaint has been dealt with properly by the Academy. They will consider complaints about Academies that fall into any of the following three areas:
2. where there is undue delay or the Academy did not comply with its own complaints procedure when considering a complaint
3. where the Academy is in breach of its funding agreement with the Secretary of State
4. where an Academy has failed to comply with any other legal obligation They will not overturn an Academy's decision about a complaint. However, if they find an Academy did not deal with a complaint properly they will request the complaint is looked at again and procedures meet the requirements set out in the Regulations. If the Academy's complaints procedure does not meet the Regulations, they will ask the Academy to put this right. They may seek to enforce the decision under the terms of the funding agreement on behalf of the Secretary of State, if appropriate.

5. Withdrawal of a Complaint

If the complainant wishes to withdraw their complaint, they will be asked to confirm this in writing.

6. Complaints about a Governor

Complaints about a governor should be referred to the Chair of Governors who will investigate and respond to the complainant. Any appeal against the Chair's response would be dealt with by the Complaints Appeals Committee. Complaints about the Chair of Governors must be referred to the Clerk to Governors who would arrange for the complaint to be considered by the Complaints Appeals Committee of the Governing Body.

7. Next stages

Anyone can complain to the Secretary of State for Education if he or she believes the governing body is acting "unreasonably" or is failing to carry out its statutory duties. However, intervention can only occur if the governing body 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 for Education could instruct either party to do to put matters right. The Education and Inspections Act 2002 allows a parent who remains unsatisfied with the outcome of certain complaints to refer the matter to Ofsted.

8. Serious Allegations or Complaints

If the allegations refer to criminal activity which may require the involvement of the Police, the Principal should inform the Chair of Governors. If the allegations relate to the abuse of children, the Principal should seek the advice of the Senior Designated Person for Child Protection in the Academy and/or other agencies such as Children's Social Care. Serious allegations of this nature **must** be referred under Child Protection Procedures to Children's Social Care.

9. Unreasonable Complainants

The Academy is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the Academy. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

The Academy defines unreasonable complainants as *'those who, because of the frequency or nature of their contacts with the Academy, hinder our consideration of their or other people's complaints'*.

Complainants should limit the numbers of communications with the Academy while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

Whenever possible, the Principal or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the Principal will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the Academy causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from the Academy.

Anyone wishing to complain about being barred can do so, by letter or email, to the Principal or Chair of Governors. However, complaints about barring cannot be escalated to the Department for Education. Once the Academy's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

Annex 1

