



## COMPLAINTS POLICY

<b>Description</b>	<b>By Whom</b>	<b>Date</b>
Established	TM	18-11-14
Reviewed (inclusion Northmoor – no content change)	TM	20-5-16
Addition of process if complaint against Principal/CEO/Trustee Update of terminology.	SS	September 2018

## 1. INTRODUCTION

- 1.1 This procedure will apply to most general complaints received by the academy. It is not intended to cover those matters for which there is a specific statutory process to object, complain or appeal.
- 1.2 Complaints about delivery of the National Curriculum and the provision of religious education and collective worship should be handled under the requirements of Section 409 of the Education Act 1996.
- 1.3 Separate procedures also exist for appeals about special needs assessments and academy admissions and exclusions. (See the SEN Code of Practice and Academy Admissions Code of Practice)
- 1.4 Concerns about allegations of child abuse and staff discipline must be dealt with through the separate agreed procedures that have been adopted for these purposes.
- 1.5 Guidance on dealing with complaints linked to racism is contained in Annex B.
- 1.6 This procedure will be made available on the academy website, and on request within each Academy.

## 2. GENERAL PRINCIPLES

- 2.1 The resolution of a complaint provides the potential opportunity for the academy to improve its practice and develop further a strong partnership with parents.
- 2.2 The complaints procedure should be easily accessible and well publicised, so that parents know how to raise concerns.
- 2.3 It is desirable for any concern/complaint to be addressed by a member of staff/ Chief Executive at a level closest to the cause for the concern.
- 2.4 Procedures should be as speedy as possible, consistent with fairness to all
- 2.5 A complaint is distinct from any formal disciplinary procedure. Staff who may be questioned as part of a complaints procedure must be treated fairly and have an opportunity to put their case. They should be offered support in responding to any investigation into a complaint.
- 2.6 If it becomes apparent to the Principal or Chief Executive that the parent's concern/complaint has the potential to be a disciplinary issue, professional advice should be immediately sought. Advice is also available from the Education Funding Agency.

- 2.7 Confidentiality is important in securing the confidence of all concerned. Conversations and correspondence must be treated with discretion. Parents need to feel confident that a complaint will not disadvantage their child. However, the parties to a complaint should realise that some information may have to be shared to carry out a thorough investigation.
- 2.8 If the investigation of a complaint shows that it is justified, then the academy should consider how to make amends in an appropriate way.
- 2.9 All complaints should be recorded and monitored to identify issues and allow any lessons to be learned by the academy.
- 2.10 Every complaint should be acknowledged as "genuinely felt" by the complainant.

### **3. PROCEDURE - Stage 1 - INITIAL INFORMAL APPROACH GUIDELINES**

- 3.1 The vast majority of concerns and complaints can be resolved informally, often straight away by the class teacher or principal.
- 3.2 The academy aims to ensure that parents feel able to raise concerns with staff without undue formality, either in person, by telephone or in writing. There may be occasions when it is appropriate or helpful for someone to accompany or act on behalf of a parent.
- 3.3 Parents may not be clear at first that they are making a complaint. They may wish to ask a question or express an opinion. A preliminary discussion with academy staff will usually clarify the issue and help parents to decide whether they wish to take the matter further.
- 3.4 Parents should have an opportunity for informal discussion of their concerns with an appropriate member of staff. This discussion should aim to clarify the nature of the parent's concern and assure them that the academy wishes to hear about it. The discussion should also aim to clarify what kind of outcome the parent is seeking.
- 3.5 If the member of staff first contacted cannot deal with the matter immediately, s/he should make a firm arrangement to deal with it at a future date or refer the matter to the Principal or another appropriate member of staff. In either case a note of the name, date and contact details of the complainant should be taken. The first contact should check to make sure the referral has been successful.
- 3.6 Staff should seek advice from their line manager if they are unsure of how to deal with the matter raised. Any matter that could potentially result in the following should be referred immediately to the Principal: legal or insurance claim, action under the staff

disciplinary procedures, child protection matters, complaints relating to employment practice.

- 3.7 If the concern relates to the Principal and the parent feels unable to raise it with the Principal they should be advised to contact the Chair of Trustees.
- 3.8 The staff member/Principal dealing with the complaint should make sure that the complainant is clear about what will happen next (if anything). This should be put in writing if it seems the best way of making the next steps or outcome clear.
- 3.9 If no satisfactory solution has been found, the complainant should be informed about how they should proceed if they wish to take their complaint further. They should be informed of any advice and support that may be available to them.

#### **4. PROCEDURE - Stage 2 - FORMAL COMPLAINT TO PRINCIPAL OR CHIEF EXECUTIVE GUIDELINES**

- 4.1 The Principal, or Deputy Principal in his/her absence, needs to determine who has responsibility for responding to a formal complaint, including the decision about his/her own involvement at various stages.
- 4.2 If the complainant is dissatisfied with the action of the Principal, or the Principal has been very closely involved informally, the Chief Executive should carry out all the Stage Two procedures, with support if necessary from another member of the Trust Leadership Team, and with professional advice if necessary. Advice is also available from the Education Funding Agency.
- 4.3 Individuals on the Board of Trustees should not become involved at this stage to avoid prejudicing their possible future involvement.
- 4.4 Parents who wish to pursue a formal complaint at Stage Two should be asked to put the complaint and their desired outcome in writing to the Chief Executive or Principal. The Chief Executive/Principal (or designated member of staff) should acknowledge the complaint orally or in writing within three days of receipt giving a brief explanation of the complaints procedures and a target date for providing a response. Ideally, this should be within ten days. If it is not possible to deal with the matter in this time, the complainant should be informed of when it is likely to be concluded.
- 4.5 The Chief Executive / Principal (or a designated member of staff) may offer an opportunity for the complainant to meet him/her. The complainant should, if she/he wishes, be allowed to be accompanied by a friend or relative who can speak on his/her behalf. Interpreting facilities should be made available if required.
- 4.6 If necessary, the Chief Executive/Principal (or a designated member of staff) should interview any witnesses and take statements from those involved. If the complaint

concerns a pupil, the pupil should also be interviewed, normally with parent/guardian present. In some circumstances this may not be possible or appropriate and a senior member of staff with whom the student feels comfortable should attend with him/her. If a member of staff is complained against, the needs of that person should be borne in mind. Advice may need to be sought from professionals or from the Education Funding Agency.

- 4.7 The Chief Executive/Principal (or designated member of staff) should keep written records of meetings, telephone conversations and other documentation.
- 4.8 Once all the relevant facts have been established, the Chief Executive/Principal (or designated member of staff) should either write to the complainant or arrange a meeting to discuss or resolve the matter. This meeting should be followed up with a letter summarising the outcome of the meeting. The complainant should be advised in this letter that if they remain unhappy with the outcome, s/he may appeal to an independent panel. The complainant should notify the Chair of Trustees within two weeks of receiving the letter detailing the outcome of the complaint.

## **5. COMPLAINTS AGAINST THE PRINCIPAL, CHIEF EXECUTIVE OR A MEMBER OF THE BOARD OF TRUSTEES**

- 5.1 Complaints made against the Principal or Chief Executive should be directed to the Chair of Trustees.
- 5.2 Where a complaint is against the Chair of Trustees or any member of the Board of Trustees, it should be made in writing to the clerk to the Board of Trustees in the first instance.
- 5.3 Parents who wish to pursue a formal complaint at Stage Two should be asked to put the complaint and their desired outcome in writing to the Chair of Trustees or the Clerk to the Board of Trustees (dependent on whom the complaint is against; see above).
- 5.4 The remaining procedure shall follow the same as noted above in Section 4. with reference to the 'designated member of staff'.

## **6. Stage 3 - APPEAL TO AN INDEPENDENT PANEL GUIDELINES**

- 6.1 Complaints only rarely reach the appeal stage. At this stage, the Chair of the Panel may wish to seek advice from professional personnel and/or the Education Funding Agency.
- 6.2 The aim of the appeal to a panel is to resolve the complaint and achieve reconciliation between the academy and the complainant. However, it may only be possible to establish the facts of a situation and make recommendations about future action, and to satisfy the complainant that their complaint has been taken seriously.

- 6.3 It is important, should a complaint reach the appeal stage that the panel is impartial and independent and is seen to be so. The Chair of Trustees will, therefore, establish a panel to deal with complaints with independent members not involved with the management or running of the academy.
- 6.4 Complaints that reach the appeal stage will do so because the complainant is not satisfied with the response so far. In this situation it is perhaps helpful for the panel to view any complaint as being against the academy rather than an individual staff member whose actions may have led to the original complaint.
- 6.5 Complainants that are not satisfied with the way in which their complaint has been handled by the academy, are to be made aware of the Education Funding Agency's complaints system which can be found at the following:

<https://www.education.gov.uk/schools/leadership/schoolperformance/school-complaints-form>

## **7. PROCEDURE**

- 7.1 Upon receipt of a written request from the complainant for the complaint to proceed to Stage Three, the following procedure should be followed. A suitable clerk to the panel should be appointed.
- 7.2 The clerk should write acknowledging receipt of the written request, informing the complainant that an independent panel will hear it within 15 working days of receipt.
- 7.3 The clerk should convene a meeting of the complaints committee at a time that is convenient for the complainant and the academy.
- 7.4 The clerk should ensure that the complainant, Principal (or designated member of staff) and any other witnesses are given at least five working days' notice in writing of the date, time and place of the hearing or otherwise are in full agreement of a shorter timescale. The letter of notification to the complainant should also inform him/her of their right to be accompanied by a friend/relative who can act as an advocate. The chair should ensure that interpretation facilities for the hearing are offered and made available if required. The letter should set out the procedure for the conduct of the hearing (see annex A) and the complainant's right to submit further written evidence to the Panel.
- 7.5 The clerk should invite the Principal (or designated member of staff) to attend the hearing and to submit a written report for the panel in response to the complaint. The Principal (or designated member of staff) may also invite the

Chief Executive or any other members of staff directly involved in matters raised by the complainant to respond in writing and/or in person to the complaint. Any involvement of other staff should be at the discretion of the chair of the panel.

- 7.6 All relevant documents should be received by all parties, (including the complainant) at least five days before the meeting of the panel. This provides adequate opportunity to read them prior to the start of the meeting.
- 7.7 An officer from the Education Funding Agency and/or a professional advisor may be invited to attend the meeting to advise the panel.
- 7.8 The panel should elect a chairperson who should ensure that proper minutes of the meeting are taken.
- 7.9 The chair of the panel should try to ensure that the proceedings are sufficiently informal as possible and that the complainant and other participants feel at ease.
- 7.10 At the conclusion of the representations and questions, the chair should explain that the panel will consider the issues and write to both parties.
- 7.11 All except for the panel and any advisers should then withdraw and the panel should consider the evidence. This should include: a judgement about the validity of the complaint; appropriate action to be taken by the academy and/or the parent; and where appropriate, recommendations on changes to the academy's systems or procedures to ensure similar problems do not arise in the future.
- 7.12 The academy should ensure that a copy of all correspondence and notes is kept confidentially on file in the academy. This should be separate from pupil's personal records.
- 7.13 The broad outcomes recommended by the panel can be reported to the next full governing body or appropriate committee with the identity of all those taking part kept confidential. The Trust Leadership Team should monitor implementation of the recommendations.

## **8. REFERRING COMPLAINTS ON COMPLETION OF THE SCHOOL'S PROCEDURE**

- 8.1 If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the Education Skills & Funding Agency (ESFA). The ESFA will check whether the complaint has been dealt with properly by the school. The ESFA will not overturn a school's decision about a complaint. However, it will look into:

- Whether there was undue delay, or the school did not comply with its own complaints procedure
- Whether the school was in breach of its funding agreement with the secretary of state
- Whether the school has failed to comply with any other legal obligation

8.2 If the school did not deal with the complaint properly, it will be asked to re-investigate the complaint. If the school's complaints procedure is found to not meet regulations, the school will be asked to correct its procedure accordingly.

8.3 For more information or to refer a complaint, see the following webpage:

<https://www.gov.uk/complain-about-school>

## 9. PERSISTENT COMPLAINTS

9.1 Where a complainant tries to re-open the issue with the school after the complaints procedure has been fully exhausted and the school has done everything it reasonably can in response to the complaint, the chair of governors (or other appropriate person in the case of a complaint about the chair) will inform the complainant that the matter is closed.

9.2 If the complainant subsequently contacts the school again about the same issue, the school can choose not to respond. The normal circumstance in which we will not respond is if:

- The school has taken every reasonable step to address the complainant's needs, *and*
- The complainant has been given a clear statement of the school's position and their options (if any), *and*
- The complainant is contacting the school repeatedly but making substantially the same points each time

However, this list is not intended to be exhaustive.

9.3 The school will be most likely to choose not to respond if:

- We have reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience, *and/or*
- The individual's letters/emails/telephone calls are often or always abusive or aggressive, *and/or*
- The individual makes insulting personal comments about, or threats towards, school staff

9.4 Unreasonable behaviour which is abusive, offensive or threatening may constitute an unreasonably persistent complaint.

9.5 Once the school has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email.

9.6 The school will ensure when making this decision that complainants making any new complaint



are heard, and that the school acts reasonably.

## **10. LINKS WITH OTHER POLICIES**

Policies dealing with other forms of complaints include:

- Safeguarding policy and procedures
- Admissions policy
- Exclusions policy
- Staff grievance procedures
- Staff disciplinary procedures
- SEN policy and information report

## **ANNEX A Model Procedure for the Conduct of a Stage 3 Independent Panel Hearing**

- The chair of the panel should invite all parties (except any witnesses) into the room, introduce them and explain the role of each person.
- The chair should explain to all present that the purpose of the hearing is to review the complaint and try to resolve it and achieve reconciliation between the academy and the complainant. However, it may only be possible to establish the facts of a situation and make recommendations about future action.
- The chair should then ascertain whether the proposed procedure is acceptable. If so, the meeting will proceed along the following lines:
  - i. The complainant describes her/his complaint and may call witnesses.
  - ii. The Principal may seek clarification from the complainant and any witnesses.
  - iii. The panel or its advisers may seek clarification from the complainant and any witnesses.
  - iv. The Principal will respond to the complaint and may call witnesses.
  - v. The complainant may seek clarification from the Principal and any witnesses.
  - vi. The panel (including any Advisers) may seek clarification from the Principal and any witnesses.
  - vii. The Principal will be given the opportunity to sum up.
  - viii. The complainant will be given the opportunity to sum up.
  - ix. Both parties will leave the room to allow the panel to deliberate but any advisers may remain to offer technical and procedural advice.
- The panel should make a decision or judgement on:-
  - i. the validity of the complaint; appropriate action to be taken by the academy and/or parent; and where appropriate, recommendations on changes to the academy's systems or procedures to ensure similar problems do not arise in the future.
- The decision or judgement will be confirmed in writing within 5 days.

NB If there is more than one complainant this procedure should be followed for each one in turn, unless the complainants agree to the complaint being heard as part of a related group of complaints.

## **ANNEX B Dealing with Complaints about Racism in Schools**

### **Racist Behaviour to a Child or Student**

- The procedures to be followed are stipulated in the guidance on reporting bullying as identified by the nine characteristics of the Equality Act 2010.

### **Racist Incident Alleged Against Academy Staff**

- The report/complaint should be made to the Principal, or if the Principal is the subject of the report/complaint, to the Chief Executive;

As racism is a disciplinary offence, the normal disciplinary procedures are followed.

### **Institutional Racism**

- Parents who perceive that racist practice or policies are operated by the academy should pursue these through the General Complaints Procedure.