

COMPLAINTS POLICY



Reviewed by Governors:

Spring 2023

Due for Review:-

Spring 2024

COMPLAINTS PROCEDURE

INTRODUCTION

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.
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.
3. Separate procedures also exist for appeals about academy admissions and exclusions
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.
5. Guidance on dealing with complaints linked to racism is contained in Annex B.
6. The academy will make parents aware of the existence of their complaints procedure through the academy's website

GENERAL PRINCIPLES

- The resolution of a complaint provides the potential opportunity for the academy to improve its practice and develop further a strong partnership with parents.
- The complaints procedure should be easily accessible and well publicised, so that parents know how to raise concerns.
- It is desirable for any concern/complaint to be addressed by a member of staff/ governor at a level closest to the cause for the concern.
- Procedures should be as speedy as possible, consistent with fairness to all
- 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.
- If it becomes apparent to the Head Teacher or Chair of Governors that the parent's concern/complaint has the potential to be a disciplinary issue, professional advice should be immediately sought.
- 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.
- If the investigation of a complaint shows that it is justified, then the academy will consider how to make amends in an appropriate way.
- All complaints will be recorded and monitored to identify issues and allow any lessons to be learned by the academy.
- Every complaint should be acknowledged as "genuinely felt" by the complainant.
- A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing.
- The academy will record the action it takes as a result of complaints (regardless of whether they are upheld)

PROCEDURE

Stage 1 - INITIAL APPROACH

GUIDELINES

- The vast majority of concerns and complaints can be resolved informally, often straight away by the class teacher, Deputy Head or Head.
- 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.
- 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 staff will usually clarify the issue and help parents to decide whether they wish to take the matter further.

PROCEDURE

1. 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.
2. 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 Head or another appropriate member of staff. In either case a note of the name, date and contact details of the complainant should be taken.
3. 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 Head: legal or insurance claim, action under the staff disciplinary procedures, child protection matters, complaints relating to employment practice.
4. If the concern relates to the Head and the parent feels unable to raise it with the Head they should be advised to contact the Chair of Governors.
5. The staff member 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.
6. 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.

Stage 2 - FORMAL COMPLAINT TO HEAD OR CHAIR OF GOVERNORS

GUIDELINES

- The Head, or Associate/Vice Head 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.
- If the complainant is dissatisfied with the action of the Head, or the Head has been very closely involved informally, the Chair of Governors should carry out all the Stage Two procedures, with support if necessary from another governor, and with professional advice if necessary. Advice is also available from the academy's Human Resources service provider.
- Individuals on the governing body should not become involved at this stage to avoid prejudicing their possible future involvement.

PROCEDURE

1. 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 Governors. The Chair of Governors/Head (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.
2. The Chair of Governors/Head (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.
3. If necessary, the Chair of Governors/Head (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 our Human Resources Department.
4. The Chair of Governors/Head (or designated member of staff) should keep written records of meetings, telephone conversations and other documentation.
5. Once all the relevant facts have been established, the Chair of Governors/Head (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 a panel of governors. The complainant should notify the Chair of Governors within two weeks of receiving the letter detailing the outcome of the complaint.

Stage 3 - APPEAL TO PANEL OF GOVERNORS

GUIDELINES

- Complaints only rarely reach the appeal stage. At this stage, the Chair of Governors may wish to seek advice from the academy's Human Resources services provider and/or the Education Funding Agency.
- The aim of the appeal to a panel of governors 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.
- It is important, should a complaint reach the appeal stage that the governing body is impartial and independent and is seen to be so. Individual complaints should not be considered by the full governing body. The governing body will, therefore, establish a panel to deal with complaints by nominating a pool of governors from which two can be drawn for any hearing and an independent member not involved with the management or running of the academy.
- Panel members should have had no prior involvement with the complaint. Generally, the Chair of Governors is not on the panel as s/he may be involved at the earlier stage. Governing bodies should have regard to the advantages of having a mix of types of governor on the panel and be sensitive to issues of equal opportunity in the composition of the panel. An independent individual, not involved in the running and management of the academy, will also be a panel member.
- Individual governors should not get involved in looking into complaints before this stage to avoid prejudicing their potential involvement. If individual governors are approached by parents or others with complaints, they should refer the complainant to the academy complaints procedure, making the necessary introduction to a member of staff or Head if appropriate.
- 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 governing body to view any complaint as being against the academy rather than an individual staff member whose actions may have led to the original complaint.
- Complainants that are not satisfied with the way in which their complaint has been handled by the academy will be made aware of the Education Funding Agency's complaints system as follows:

The complainant can refer their complaint to the ESFA online at: www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:

Academy Complaints and Customer Insight Unit
Education and Skills Funding Agency
Cheylesmore House
5 Quinton Road
Coventry
CV1 2WT

PROCEDURE

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.

1. The clerk should write acknowledging receipt of the written request, informing the complainant that a committee of the governing body will hear it within 15 working days of receipt.
2. The clerk should convene a meeting of the complaints committee at a time that is convenient for the complainant and the academy.
3. The clerk should ensure that the complainant, Head 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 committee.

4. The clerk should invite the Head to attend the hearing and to submit a written report for the committee in response to the complaint. The Head may also invite the Chair of Governors 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 committee.
5. 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.
6. An officer from Torbay Human Resources Department may be invited to attend the meeting to advise the committee.
7. The panel should elect a chairperson who should ensure that proper minutes of the meeting are taken.
8. 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.
9. At the conclusion of the representations and questions, the chair should explain that the panel will consider the issues and confirm its findings and recommendations in writing to the complainant and, where relevant, the person(s) complained about.
10. All except for the governor's 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.
11. 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 pupils' personal records.
12. 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 governing body should monitor implementation of the recommendations.
13. The findings and recommendations of the panel will be available for inspection on the academy premises by the proprietor and the head teacher.

THE ROLE OF THE EDUCATION FUNDING AGENCY

- The primary responsibility for resolving complaints rests with the governing body. (1998 Education Act, Part II, Chapter 3. Para. 39[1]) The Education Funding Agency role in academy complaints is to provide advice to all parties.
- When The Education Funding Agency receives a general complaint which does not come under one of the areas covered by statutory requirements, nor is obviously concerned with child abuse or staff disciplinary matters the complainant will be referred to the academy's complaints procedure. The complainant will be advised to contact the Head to take the matter further. If the complaint has already involved the Head but has not achieved a satisfactory resolution from the perspective of the complainant, the Education Funding Agency officer may seek to resolve issues between the Head and the complainant. If this is not possible or successful the complainant will be referred to the Chair of Governors. In this situation the Head will be notified of the referral and details of the complaint.
- Education Funding Agency staff will give advice to the Head, governors and parents on the use of complaints procedures. For serious or complex complaints this will be through a Senior Education Officer.
- Where possible the Education Funding Agency will provide advice and appropriate support to complaints panels of governing bodies, including attendance of an officer at meetings to hear complaints.

ANNEX A Model Procedure for the Conduct of a Stage 3 Governors Panel Hearing

1. The chair of the committee should invite all parties (except any witnesses) into the room, introduce them and explain the role of each person.
2. 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.
3. 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 Head may seek clarification from the complainant and any witnesses.
 - iii. The governors' panel or its advisers may seek clarification from the complainant and any witnesses.
 - iv. The Head will respond to the complaint and may call witnesses.
 - v. The complainant may seek clarification from the Head and any witnesses.
 - vi. The governors' panel (including any Advisers) may seek clarification from the Head and any witnesses.
 - vii. The Head 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.
4. The panel should make a decision or judgement on:-

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.
5. 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 a group complaint

ANNEX B Dealing with Complaints about Racism in Schools

1. 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.

2. Racist Incident Alleged Against Academy Staff

- i. The report/complaint should be made to the Head, or if the head teacher is the subject of the report/complaint, to the Chair of Governors;
- ii. As racism is a disciplinary offence, the normal disciplinary procedures are followed.

3. Institutional Racism

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