

# Complaints procedure

## Introduction

At each Academy we encourage all parents and pupils to approach any member of staff in the first instance if they have a concern or complaint.

In the event that these initial approaches fail to resolve a complaint this policy lays out the procedures that should be followed to allay any concerns about a particular issue.

If you do not understand any part of this policy please do not hesitate to contact the Headteacher or the member of the Local Governing Body (LGB) responsible for complaints (please contact the academy office in confidence to obtain contact details). Your complaint will then be investigated fully, ensuring all relevant facts are taken into consideration.

For further information about current government legislation please see Appendix A.

### 1. Registering a complaint

Initially we would ask that a parent or pupil discusses the complaint with the relevant member of staff. However, if they have difficulty with discussing this issue with that member of staff the complaint can be referred to another member of staff. Similarly, if the member of staff directly involved felt unable to deal with the complaint then another member of staff can be allocated to deal with the complaint in the first instance.

If Local Governing Body members are involved in a complaint at an early stage they must be made aware of the procedure to be followed for complaints and not act unilaterally outside the formal procedure.

If a parent or pupil felt that their initial contact with a member of staff did not deal with the concern to their satisfaction they should complete a Complaints Form (Appendix B) and return it to the Headteacher (or Chair of the LGB if the complaint refers to the Headteacher) – contact details are available in confidence from the academy office. If the complaint concerns the Local Governing Body then the form should be returned to the Academy Trust (contact details can be obtained in confidence from the academy office).

### 2. Investigating the complaint

The nature of the complaint will be clarified and unresolved issues outlined. It will be established what has happened so far and who has been involved. A meeting will be arranged to ensure all the information relating to the complaint has been documented and to find out what action the complainant feels would put things right.

Everyone involved in the complaint will be interviewed, accompanied by a friend or companion, if they wish, to ensure that all the facts of the complaint are understood. Notes will be kept of the discussions and all parties asked to sign the notes to show that they feel they were an accurate record of the meeting.

Those involved in the complaint will be encouraged to say what actions they feel would remedy the situation at any time. The Headteacher or Chair of the LGB will remain impartial during the interviews. The Headteacher will maintain a record of any formal complaints at the academy.

### 3. Resolving complaints

Once the complaint has been fully investigated those persons involved will be informed of the findings and suggested actions to remedy the situation. Areas of agreement between the parties will be highlighted and any misunderstandings clarified to create a positive atmosphere in which to discuss outstanding issues.

If, for any reason, any party involved in the complaint remains dissatisfied following any investigations, the Chair of the LGB will be informed who may then seek further advice on dealing with the matter. The Chair of the LGB does have the right to inform the complainant that the complaints procedure has been exhausted and that the matter is now closed.

### 4. The Complaints Appeal Panel

If necessary, the Chair of the LGB will convene a Complaints Panel consisting of three members who should not have been involved in the early stages of the complaint. One member of the Panel will be a person independent of the management and running of the academy. The Panel will elect their own Chair and a Clerk will be appointed to the panel who will 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. They will collate any written material and send it to the parties in advance of the hearing, meet and welcome the parties as they arrive at the hearing, record the proceedings and notify all parties of the panel's decision.

This Complaints Panel is the last academy based stage of the complaints process. Individual complaints would not be heard by the whole LGB at any stage as this would compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

It is important that the appeal hearing is independent and impartial and that it is seen to be so. No member may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, members need to try and ensure that it is a cross-section of the categories of members and sensitive to the issues of race, gender and religious affiliation.

The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the academy and the complainant. The panel chair will ensure that the proceedings are as welcoming as possible. Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.

The chair of the panel needs to ensure that the complainant is notified in writing of the panel's decision, with the panel's response; this is usually within a set deadline agreed at the hearing. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed. In the event that the complainant does not feel that their complaint has been dealt with

to their satisfaction by the academy they may contact the Clerk to the Board of Directors at the Academy Trust. Contact details may be obtained from the academy office at any time.

#### 5. Time limits

Complaints need to be considered, and resolved, as quickly and efficiently as possible and within realistic time limits that may be set by the appointed member or Headteacher and agreed by the complainant.

#### 6. Review of complaints

The LGB will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. The Headteacher will report any official complaints in the Headteacher's Report to the LGB.

As well as addressing an individual's complaints, the process of listening to and resolving complaints will contribute to academy improvement. When individual complaints are heard the governing body may identify underlying issues that need to be addressed. The monitoring and review of complaints by the academy and the governing body will be a useful tool in evaluating the academy's performance.

#### 7. Publicising the procedure

There is a legal requirement for this Complaints Procedures to be publicised. Each Academy will include this information on the academy website. A copy will also be included in the Policy File held in the academy office.

#### 8. Review

There will be an annual review of this policy by the governing body.

#### 9. The role of the Education Funding Agency (EFA)

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:

1. where there is undue delay or the academy did not comply with its own complaints procedure when considering a complaint
2. where the academy is in breach of its funding agreement with the Secretary of State
3. 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.

## Appendix A

All academies must have a complaints procedure. This must meet the standards set out in the [Education \(Independent School Standards \(England\) Regulations 2014](#) Schedule 1, Part 7.

The Regulations set out how complaints procedures should be drawn up and used effectively to handle complaints from parents of pupils.

The Education Funding Agency (EFA) has produced this guidance to help academies avoid the common pitfalls in meeting the standards and to share good practice.

### **Requirements for complaints procedures**

Academies' complaints procedures must be in writing, be made available to parents and set out clear timescales for the management of the complaint.

The complaints procedure must consist of at least three stages:

1. informal (usually a meeting with the complainant)
2. formal (the complaint is put in writing)
3. a panel hearing

If the complaint progresses to the final panel hearing stage, the academy must:

1. allow the parent(s) to attend and be accompanied if they wish
2. ensure at least one member of the panel is independent of the management and running of the academy

The panel cannot be made up solely of governing body members because they are not independent of the management and running of the academy. It is a matter for the academy to identify suitably independent individuals who can fulfil the role and responsibility of being the independent member.



(+ address)

## COMPLAINTS FORM

Please complete and return to the Headteacher/Chair of Governors who will acknowledge receipt and explain what action will be taken. Please continue on a separate pages(s) if necessary.

Your name:

Pupil's name:

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: