

## Complaints

### 1 Statement of Purpose

The Academy welcomes feedback, both positive and negative, about how it is doing. Where someone has a concern or complaint the Academy will endeavour at all times to deal with the issues responsively and reasonably and if necessary put things right as quickly as possible.

This procedure applies to complaints made by parents and carers of students in the Academy.

Complaints will be treated confidentially with written records being securely retained.

### 2 Stage 1: Dealing with concerns and complaints informally

i) The vast majority of concerns and complaints can be resolved informally. There are many occasions where concerns are resolved straight away through the class teacher, subject leader, Mentor, Community Manager, Head or Deputy Head of School, school secretary, other member of staff or the Principal, depending on whom the parent first approached, without the need to resort to a formal complaints procedure, and this is preferable for all concerned.

ii) Although this stage involves dealing with the issue informally it may prove helpful later, although not essential at this stage, for the person responding to make a basic record of the issue or complaint raised, which may include brief notes of conversations (face to face or over the telephone), and the responses made.

iii) The person who raised the issue should be informed of the action to be taken to resolve the issue. It may be helpful to confirm undertakings given about future action or monitoring in writing.

iv) If the person is dissatisfied with the response they have been given, they should be provided with a copy of the Academy's complaints procedure and informed about how to take their complaint to Stage 2, by referring it to the Principal, usually in writing.

### 3 Stage 2: Referral to the Principal

i) The issue is referred to the Principal for investigation, usually by the complainant writing to the Principal. It is generally at this or the previous stage that it will become clear whether it is appropriate for the complaint to be dealt with under these procedures or whether there are statutory processes as outlined in the Guidance for Parents. If the latter is the case, the Principal will need to inform the complainant of this and the way in which the complaint will be handled.

ii) At this stage it has become clear that the concern is a definite complaint. Any complaint received by the Principal under this process, whether orally or in writing, should be acknowledged within 5 school days with a full written response within 15 school days. Complainants should also be given the opportunity to meet with the Principal, accompanied by a relative or friend if they so wish, to discuss their complaint. Written records of interviews with complainants and with staff or witnesses carried out in the course of the investigation should be kept by the Principal.

iii) In the letter conveying the outcome, the complainant should be informed of the process for referral to the Board of Directors if they wish to take their complaint further. Any such referral should be made within 10 school days after receipt of the Principal's letter.

#### **4 Stage 3: Review by the Board of Directors**

i) The complainant requests a review of their complaint by writing to the Board of Directors care of the school, making it clear why they are complaining, who they have already spoken to and what they want to happen as a result of their complaint. Complaints received by the Chair should be acknowledged within 7 school days with a substantive response within 20 school days. The Chair may need to hold interviews with the complainant, the Principal and possibly other members of staff and notes should be kept of those meetings. The Chair may also wish to take advice on particular issues from other sources.

ii) Again, the letter conveying the Chair's findings should include details of the next stage of the procedure.

iii) This stage should also serve as the first point at which complaints specifically about the Principal, the actions of the governing body or an individual governor should be considered ((should the complaint be about the Chair, the Vice-Chair should undertake the investigation).

iv) In acknowledging any complaint, the Chair may need to explain the powers of the governing body in the matter in question and the extent to which it may or may not be possible to achieve the outcome desired by the complainant. For example, a parent may be unhappy with their child's class placement. Whilst the Board of Directors can look at whether the decision about the class placement was made in a fair, reasonable and consistent way, they do not have the powers to change the placement. In such instances it is important that the complainant is made aware at the outset of the scope of the investigation. However, where it is not within the remit of a governing body to change a decision, it may make a recommendation for the Principal to consider.

#### **5 Stage 4: Review by Complaints Committee Panel**

i) Complaints only rarely reach this formal level, but it is important that governing bodies are prepared to deal with them when necessary. Where the clerk to the Directors receives a complaint under these procedures, he or she should arrange for a complaints committee to meet between 12 and 20 school days from receipt of the letter. (The governing body should have nominated three members to serve on the committee and reserves to ensure that sufficient Directors are available to hold a meeting within the specified time period. The Board of Directors should not be a member of the committee as he/she will have been involved at the previous stage).

ii) The Principal should also be informed immediately that a complaint has been received and consulted about the proposed date of the hearing.

iii) On issuing notification of the date and time of the hearing, the clerk will need to advise the complainant and the Principal that any written documentation they wish the committee to consider will need to be submitted in time to be circulated to committee members 5 days prior to the hearing. The complainant should be advised that they may be accompanied by a relative or friend.

iv) Notification of the hearing should also include details of the way in which the hearing will be conducted. The hearing should be minuted and copies of all relevant correspondence and notes should be kept on file by the clerk.

- v) The findings of the committee should be notified to the complainant and the Principal in writing within 5 school days of the hearing.
- vi) When considering the membership of the complaints committee, the governing body should have regard to whether it would be advisable to include Directors who are employed at the school. If this were the case, it may be perceived by the complainant that those Directors would be unlikely to amend or overturn a decision taken by the Principal. In those circumstances, the complainant might regard this as grounds to complain to the Secretary of State.

## **6 Further Recourse**

If the complainant is dissatisfied with the governing body's handling of their complaint, further recourse to other agencies is available to them outside the scope of the Academy's own procedures. However, these agencies would be unable to take any action until the school's own procedures had been completed.

### **6.1 Complaints to the Secretary of State for Education**

- i) Complainants have a right of appeal to the Secretary of State for Education. If the Secretary of State agrees that a complaint is justified, the DfE has the power to require the Academy to take certain actions in appropriate circumstances, although in practice this would be very rarely exercised.
- ii) The Secretary of State would not take action until the Academy procedures have been completed.

## 7 Summary of the Complaints Procedure

### Concern or complaint received

#### INFORMAL PROCEDURE STAGE

Stage 1. Informal discussion with the class teacher or other relevant member of staff (possibly the Principal) usually resulting in resolution of the issue

#### ACTION REQUIRED

The person is informed of the action to be taken to resolve the issue. If they are not satisfied they should be provided with a copy of the school's complaints procedures and information of how to proceed to stage 2 with their complaint

#### FORMAL PROCEDURE

Stage 2: The complaint is submitted, either verbally or in writing, to the Principal

*If the complaint is not resolved*

The Principal acknowledges receipt within 5 school days and provides a full written response within 15 school days. If necessary the complainant should be informed of how to contact the Board of Directors

*If the complaint is not resolved*

Stage 3: A written complaint is submitted to the Board of Directors

The Chair acknowledges receipt within 5 school days. Board of Directors provides full written response within 15 school days. Information is provided to complainant if required on how to progress complaint to stage 4.

*If the complaint is not resolved*

Stage 4: Complainant writes to the Clerk to Directors requesting that the complaint be heard by a complaints committee of Directors

Clerk arranges for complaints committee to meet between 12 and 20 school days from receipt of letter and informs complainant of findings within 5 school days of hearing. School notifies complainant how to contact Department for Education if required

If the complainant is not satisfied that the complaint has been dealt with properly according to the school's procedure

#### FURTHER RECOURSE

If the complainant is not satisfied that the complaint has been dealt with properly and fairly

Complainant writes to the Secretary of State for Education

The Secretary of State may intervene if a governing body has not carried out a statutory duty or has acted unreasonably.

## **8 Outline Procedures for Complaints Committee Hearings**

### **8.1 Before the Hearing**

1. The complainant and the Principal should be provided with details of the way in which the hearing will be conducted.
2. If necessary support for the complainant should be arranged, for example, translation of any of the papers provided by the Academy, provision of an interpreter or any arrangements necessary to give the complainant full access to the proceedings, for example if the complainant has a disability.
3. The members of the committee should elect one of their number to act as Chair of the committee for the hearing.

### **8.2 The Hearing**

4. The complainant and the Principal should simultaneously be invited into the room where the hearing is being held. At this point the Chair may wish to reiterate the scope of the governing body's powers and clarify the aims of the hearing, i.e. to resolve the complaint, reconcile differences between the complainant and the school and to help identify the way forward.
5. The Chair should introduce all those present and ensure that all parties have been advised of the way in which the hearing will be conducted.
6. The complainant to begin by explaining the basis of their complaint and the Principal to respond by stating the reasons for the school's response.
7. The Principal to ask the complainant any questions regarding their complaint and the complainant to raise questions with the Principal about the Academy's response.
8. Members of the committee to have the opportunity to ask questions of either the complainant or the Principal.
9. The complainant and the Principal to be given the opportunity to make any final statement.
10. The Chair to confirm that a decision will be issued within 5 school days.
11. The complainant and the Principal should then leave the hearing.

### **8.3 The Decision Making Process**

12. The committee should then consider a decision based on the information and evidence presented to them. It should decide whether or not to uphold the complaint, suggest any actions which may be taken to resolve the complaint and consider whether it would be appropriate to suggest a review of any school policies in the light of issues raised in the course of the complaint. The committee should reach a unanimous or majority decision on the complaint.

### **8.4 Communicating the Decision**

13. The findings of the committee should be notified to the complainant and the Principal in writing within 5 school days of the hearing.