

# Complaints Procedure and Policy

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Author: Clare Flintoff

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## **1. Introduction**

The aim of this policy is to ensure that any complaint is handled sympathetically, efficiently, and at the appropriate level, and resolved as soon as possible.

Parents and pupils should feel comfortable raising any issue, confident in the knowledge it will be dealt with fairly and without prejudice to their future treatment. We will investigate and try to resolve every complaint in a positive manner.

Complaints will be dealt with in three stages:

1. Informal discussion. All issues should be raised informally in the first instance, with those most closely involved; this gives the best chance for a quick resolution.
2. Formal complaint. Where a complaint cannot be resolved informally, the details should be put in writing to the Headteacher by the complainant, and an investigation carried out by the school.
3. Panel hearing. Where a complainant has a substantial disagreement with the outcome of the formal complaint, they may appeal to a panel hearing that will include an independent person. The panel's decision is final.

The Education Funding Agency may further investigate the handling of a complaint or investigate the breach of either the law or a funding agreement requirement. However, they will only consider whether a complaint was properly handled and not overturn the substance of a panel hearing decision.

## **2. What this policy covers**

This policy covers complaints about an ASSET Education academy. Certain issues are not appropriate for consideration under this policy and will be dealt with under other academy policies:

1. Admissions – covered by the academy's Admissions Policy
2. Allegations of abuse against staff – covered by the Allegations of Abuse Against Staff Policy
3. Permanent exclusion – covered by the academy's Exclusion Policy.
4. Data protection or freedom of information requests – these have their own statutory appeals procedures
5. Staff grievance or disciplinary proceedings
6. Commercial or other incidental arrangements not directly related to an academy's public functions, such as facilities hire.

Complaints will normally only be considered from those with a direct interest in the matter.

We recognise that people feel passionately about education and may express complaints in robust terms. However, where a complainant acts in an aggressive, abusive, vexatious, or otherwise unreasonable manner we may decline to further investigate a complaint.

## **3. Process**

### **Step 1 – Informal discussion**

Most complaints can be resolved quickly and amicably through informal discussion between parents and school staff.

Parents should contact their main point of contact at the school, for example a class teacher to express their concern. If a parent is unsure of who to contact they should contact the school reception or main office for help.

Once contacted, staff should make a brief note of any complaint. The note may contain:

- the name, age / year group / of the relevant pupil(s)
- the name and contact details of the complainant(s)
- a brief summary of the complaint, including key times and dates and any witnesses to any specific incident(s)
- any steps agreed to resolve the complaint

A copy of the note will be passed to the Headteacher, or another delegated senior member of staff, for use in the event the complaint remains unresolved.

It is good practice for the member of staff to make fresh contact with the complainant after a short period to ensure that they are happy with the handling of the complaint and to discuss any further steps that may be required.

## **Step 2 – Formal complaint**

Where an informal approach has failed to reach an agreed resolution, parents may make a formal complaint in writing to the Headteacher. If the complaint is about the Headteacher, the complaint should be addressed to the Executive Principal.

To enable the school to investigate most fully, the complaint letter should include:

- the name and date of birth of the relevant student(s)
- the name and contact details of the complainant(s)
- a brief summary of the complaint, including key times and dates and any witnesses to any specific incident(s)
- any steps already taken to attempt to resolve the complaint
- any suggested steps to resolve the complaint

On receipt of a formal written complaint, the school will acknowledge receipt and investigate the complaint. In most cases the investigation will include a meeting between the complainant and the Headteacher (or The Executive Principal).

A formal written response setting out the complaint, the findings of the investigation, and any appropriate steps to resolve the complaint will be sent to the complainant within 10 working days of the receipt of the complaint.

The response will also detail the complainant's ability to request a panel hearing should they remain dissatisfied.

If the complaint is about the headteacher and the informal process has not resolved it a formal complaint should be made to the Executive Principal. This complaint must be made in writing, stating the nature of the complaint and how the school has handled it so far. The parent should send this written complaint to the Executive Principal.

The Executive Principal (EP) must consider all written complaints within three weeks of receipt. The EP will arrange a meeting to discuss the complaint, and invite the person making it to attend the meeting, so that s/he can explain the complaint in more detail. The school will give the complainant at least three days'

notice of the meeting.

After hearing all the evidence, the Executive Principal will consider the decision and inform the parent about it in writing. The Executive Principal will do all they can at this stage to resolve the complaint to the parent's satisfaction.

Correspondence, statements and records relating to formal complaints will be retained by the school and kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the Education and Skills Act 2008 requests access to them.

### **Step 3: Panel hearing**

Where a complainant remains dissatisfied after a formal investigation, they may request a panel hearing of their complaint.

The request must be made in writing by the complainant within 15 working days of notification of the outcome of the formal investigation and sent to: Executive Principal, ASSET Education, % St Helen's Primary School, Woodbridge Road, Ipswich, Suffolk IP4 2LT.

On receipt of a request, the Trust will acknowledge the receipt and convene a panel hearing within 20 working days. The complainant should be notified of the hearing time, date, and location at least 5 working days before the hearing.

The panel will be appointed by or on behalf of the Trust and consist of at least three people who were not directly involved in the matters detailed in the complaint. The Trust will ensure that one panel member is independent of the management and running of the school.

The complainant may attend and be accompanied at the panel hearing if they wish.

The panel will consider the complaint and any evidence it considers relevant, and report its findings and recommendations. A copy of those findings and recommendations will be provided within 10 working days of the panel hearing to: the complainant; the Headteacher; the Executive Principal; and where relevant the person complained about.

The report of the panel hearing is final and no appeal is possible on the substance of the complaint.

## **4. Complaints to the Secretary of State for Education**

Parents may complain about an academy to the Secretary of State for Education. These complaints are considered on their behalf by the Education Funding Agency.

Where a complaint is made to the EFA, they will check whether the complaint has been dealt with properly by the Trust. They will consider complaints about academies that fall into any of the following three areas:

- where there is undue delay or the academy did not comply with its own complaints procedure when considering a complaint
- where the academy is in breach of its funding agreement with the Secretary of State
- where an academy has failed to comply with any other legal obligation

The EFA will not overturn an academy's decision about a complaint. However, if the EFA finds 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 Education (Independent School Standards (England) Regulations

2014.

If the academy's complaints procedure does not meet the Regulations, they will ask the academy to put this right. The EFA may seek to enforce the decision under the terms of the academy's funding agreement on behalf of the Secretary of State, if appropriate.

## **5. Relevant legislation**

This policy fulfils the academy's responsibilities under the Education (Independent School Standards (England) Regulations 2014, Schedule 1, Part 7.

## **6. Monitoring and review**

6.1 The governors monitor the complaints procedure, in order to ensure that all complaints are handled properly. The headteacher logs all complaints received by the school and records how they were resolved. Governors examine this log on an annual basis.

6.2 Governors take into account any local or national decisions that affect the complaints process, and make any modifications necessary to this policy. This policy is made available to all parents, so that they can be properly informed about the complaints process.

## **Appendix: Panel hearing procedures**

### **Panel membership**

The panel will be appointed by or on behalf of the Trust and consist of at least three people who were not directly involved in the matters detailed in the complaint. The Trust will ensure that one panel member is independent of the management and running of the school.

### **At the meeting**

Although this is a formal meeting, every effort should be made to make it as informal as possible for all concerned. Consideration should be given to the seating arrangements to make everyone feel equal and comfortable.

A clerk may attend to take notes but will take no formal part in the meeting.

The chair of the panel should open the meeting stating the purpose and the format of the meeting to clarify this to all in attendance.

People present should introduce themselves stating their reason for being at the meeting.

The chair of the panel should request a short verbal statement from the complainant in support of their written letter of complaint and how they feel the issue has not been resolved. The panel members can ask questions to make sure they understand the issue from the complainant's point of view.

The chair of the panel should request a short verbal statement from the Headteacher in support of their written account of the complaint and the steps taken to resolve the issue. The panel members can ask questions to make sure they understand the issue from the Headteacher's point of view.

The members of the panel should make sure they fully understand the issues and ask any further questions to clarify any points that are still not clear to them.

The chair of the panel must ask the complainant and the Headteacher if they are satisfied that they have provided all relevant information and if they feel they have had a fair hearing.

When the panel members understand all the issues, the chair will close the hearing.

### **After the meeting**

The panel members will discuss the issues in private and, with the assistance of the clerk, produce a written report of findings and recommendations.

A copy of the findings and recommendations will be provided within 10 working days of the panel hearing to: the complainant; the Trust; the Headteacher; and where relevant the person complained about.