

COMPLAINTS POLICY

PURPOSE

Academies and free schools are required to have written complaints procedures meeting certain requirements by the Education (Independent School Standards) (England) Regulations 2014, Schedule 1, Part 7 and to make the procedure and its timescales available to parents of pupils and parents of prospective pupils.

SCOPE

All matters relating to the actions of staff and application of Academy procedures where they affect the individual Students concerned, except matters relating to the curriculum, exclusion, and admissions etc which are subject to separate procedures.

A complaint can be brought by a parent / carer / guardian of a registered child of the school, or of a prospective pupil or any person who has been provided with a service / facility of the school. This person is referred to as the complainant.

A complaint can also be brought by any person who is not a parent / carer / guardian of a registered child of the school and the same proceedings will be applied. This person is referred to as the complainant.

GENERAL PRINCIPLES

- An anonymous complaint will not be investigated under this procedure unless there are exceptional circumstances.
- To allow for a proper investigation, complaints should be brought to the attention of the Academy as soon as possible. Any matter raised more than 3 months after the event being complained of will not be considered, save in exceptional circumstances.
- Investigation of any complaint or review request will begin within 5 Academy days of receipt of the same, save in exceptional circumstances. The investigation will be completed as soon as reasonably practicable.
- A concern becomes a complaint only when the complainant asserts that the school has acted wrongly in some significant decision, action or failure to take action.

STAGES OF THE COMPLAINTS PROCEDURE

The complaints procedure consists of three stages:

- 1) Informal – usually a meeting with the complainant
- 2) Formal – the complaint is put in writing
- 3) A Panel Hearing

Even when a complaint has been made, it can be resolved or withdrawn at any stage.

COMPLAINTS PROCEDURE

All complaints whether it is a complaint regarding an action of member of staff or Principal should follow the procedure detailed below:

PART A COMPLAINTS PROCEDURE – Complaint against Staff other than the Principal

1) Informal Stage

The complainant is normally expected to arrange to communicate directly with the member of staff concerned. This may be by letter, by telephone or in person by appointment. Many concerns can be resolved by simple clarification or the provision of information and it is anticipated that most complaints will be resolved by this informal stage. [In the case of serious concerns it may be appropriate to address them directly to the Principal²] An unreasonable refusal to attempt an informal resolution may result in the procedure being terminated forthwith.

2) Formal Stage

If the complaint is not resolved at the informal stage the complainant must put the complaint in writing and pass it to the Principal, who will be responsible for its investigation.^{3, 4} The complaints form in Annex 2 may be used to assist this process.

The complainant should include details which might assist the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents. The Principal² or other member of staff nominated by him should meet with the complainant to discuss his / her concerns within ten working days of receiving the complaint.⁵

The Principal² will collect such other evidence as deemed necessary. Where this involves an interview with a member of staff, who is the subject of the complaint, that member of staff may be accompanied by a friend or representative if they wish.

The investigation will begin as soon as possible and when it has been concluded, the complainant, and the member of staff concerned, will be informed in writing, within ten working days of the meeting with the complainant, of the outcome. This may be to the effect that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld
- The concern is not substantiated by the evidence
- The concern was substantiated in part or in full. Some details may then be given of action the Academy may be taking to review procedures etc but details of the investigation or of any disciplinary procedures will not be released
- The matter has been fully investigated and that appropriate procedures are being followed, which are strictly confidential. [e.g. where staff disciplinary procedures are being followed]

The complainant will be told that consideration of their complaint by the Principal is now concluded.

If the complainant is not satisfied with the manner in which the process has been followed, the complainant may request a Panel Hearing. Any such request must be made in writing within 2 weeks of receiving notice of the outcome from the Principal, and include a statement specifying any perceived failures to follow the procedure. The procedure described in 3) A Panel Hearing will be followed.

If the complainant considers that the decision of the Principal is perverse, or that the Principal has acted unreasonably in considering the complaint, then the complainant may bring a complaint against the Principal under part B of this procedure. This will provide an opportunity for the evidence to support such a complaint to be investigated.

3) A Panel Hearing

If the complainant is not satisfied with the response to the complaint following the Formal Stage, provision will be made for a panel hearing to consist of at least 3 members who have had no previous involvement in consideration of the complaint, and to include an independent member who is not involved in the management and running of the Academy.

This provision allows for the complainant to attend and to be accompanied if they so wish.

The meeting of the Panel should take place as soon as possible, but in any case a date should be set and communicated to the complainant within 20 working days of the receipt of the appeal.

Following the Panel meeting a copy of findings and recommendations will be sent by email and post to the complainant and the person complained about.

Written records, statements, findings and recommendations will be kept confidential but available for inspection on the Academy premises by the Principal and Chair.

If the complainant is still not satisfied about the handling of their complaint then they must be clearly guided to pass on their complaint to the ESFA via the schools complaint form at the following website:

<https://www.gov.uk/government/organisations/education-and-skills-funding-agency/about/complaints-procedure>

Notes

The complainant is not entitled access to any details of the investigation except for any statements that may have been provided by their child. Any information relating to the application of disciplinary procedures is strictly confidential.⁷

Complainants must ensure they are not abusive or threatening, do not use racist, homophobic or other inappropriate language at any point in their description of matters of the complaint and act in accordance with the College values of Honourable Purpose, Respect, Compassion, Co-operation and Stewardship. In the event that a complainant does not behave appropriately, as described, the complaints process may be suspended until such time as they agree to behave in accordance with this policy.

PART B COMPLAINTS PROCEDURE Complaint against the actions of the Principal

1) Informal Stage

The complainant is usually expected to arrange to speak directly with the Principal. [In the case of serious concerns it may be appropriate to raise them directly with the Chair of the Governing Body⁶] Many concerns can be resolved by simple clarification or the provision of information. If the matter is not resolved, if both parties agree, then a third party may be invited to act as a mediator at a further meeting. A refusal, unreasonably, to attempt an informal resolution may result in the procedure being terminated forthwith.

2) Formal Stage

If the complaint is not resolved at the informal stage the complainant must put the complaint in writing and pass it to the Chair of the Governing Body⁶ who will determine which of the agreed procedures to invoke^{3,4}. If it is determined that the complaint is "General", the Chair⁶ will arrange for its investigation.

The complainant should include details which might assist the investigation, such as names of potential witnesses, dates and times of events, copies of relevant documents etc. In addition the complainant will be invited to meet with the Chair⁶ to present oral evidence or to clarify the complaint.⁵

The Chair⁶ will collect such other evidence as is deemed necessary. This may include the interviewing of witnesses and others who may provide relevant information.

The Principal will be provided with a copy of the complaint and any additional evidence presented by the complainant or collected by the Chair⁶. Once there has been an opportunity for the Principal to consider this, he/she will be invited to meet separately with the Chair⁶, in order to present written and oral evidence in response. The Principal may be accompanied at this meeting by a friend or representative.

When the investigation has been concluded, the complainant and the Principal will be informed in writing of the outcome. The complainant will not be informed of any disciplinary/capability action.

The complainant will be told that consideration of their complaint by the Chair⁶ is now concluded.

If the complainant is not satisfied with the manner in which the process has been followed, or considers that the decision of the Chair⁶ is perverse, or that the Chair⁶ has acted unreasonably in considering the complaint, then the complainant may request a Panel Hearing to review the handling of the complaint by the Chair⁶. Any such request must be made in writing within 2 weeks of receiving notice of the outcome from the Chair⁶, and include a statement specifying any perceived failures.

3) A Panel Hearing

If the complainant is not satisfied with the response to the complaint following the Formal Stage, provision will be made for a panel hearing to consist of at least 3 members who have had no previous involvement in consideration of the complaint, and to include an independent member who is not involved in the management and running of the Academy.

This provision allows for the complainant to attend and to be accompanied if they so wish.

The meeting of the Panel should take place as soon as possible, but in any case a date should be set and communicated to the complainant within 20 working days of the receipt of the appeal.

Following the Panel meeting a copy of findings and recommendations will be sent by email and post to the complainant and the person complained about.

Written records, statements, findings and recommendations will be kept confidential but available for inspection on the Academy premises by the Principal and Chair.

If the complainant is still not satisfied about the handling of their complaint then they must be clearly guided to pass on their complaint to the ESFA via the schools complaint form at the following website:

<https://www.gov.uk/government/organisations/education-and-skills-funding-agency/about/complaints-procedure>

Notes

The complainant is not entitled access to any details of the investigation except for any statements that may have been provided by their child. Any information relating to the application of disciplinary procedures is strictly confidential.⁷

Complainants must ensure they are not abusive or threatening, do not use racist, homophobic or other inappropriate language at any point in their description of matters of the complaint and act in accordance with the College values of Honourable Purpose, Respect, Compassion, Co-operation and Stewardship. In the event that a complainant does not behave appropriately, as described, the complaints process may be suspended until such time as they agree to behave in accordance with this policy.

Superscripts

² or Deputy Principal or, in the case of non-pupil matters, the Director of Finance and Business [in such case the Head must be satisfied that the process has been conducted properly and accept responsibility for the same].

³ Alternatively the complainant may be referred back to the informal stage of the procedure.

⁴ If the complaint is judged to be vexatious, then the complainant will be informed that their complaint will not be accepted and will not be investigated.

⁵ it may be appropriate to offer the complainant the opportunity to be accompanied by a friend at any such meeting.

⁶ or Vice Chair / other Governor designated by the Chair at the time responsible for investigating complaints


⁷ The Principal, Deputy Principal, the Diocesan Education Commission, complainants and their legal representatives, Local Education Authority Personnel, legal departments of Local Education Authority and Diocese are allowed access to the records.



Signed

Chair of Governors

Date: 18/12/15



Signed

Principal

Date: 18/12/15

Annex 1: Investigation Procedure

Carrying out an Investigation into a Formal Complaint

The investigation of an allegation or a complaint should always be carried out thoroughly and responsibly, irrespective of whether the complaint appears to be trivial or serious. The outcome of such an investigation will have significance not only for the complainant but also for the member of staff against whom the complaint has been made.

Any procedure should include provision that "An anonymous complaint will not be investigated under this procedure unless there are exceptional circumstances." These would include serious concerns such as child protection issues or bullying allegations, where the Academy would either involve appropriate external agencies or else conduct its own internal review to test whether there is any corroborative evidence which might trigger a formal investigation.

Where the Principal² or Chair of Governors⁶ receives a complaint, it should be acknowledged formally and a commitment made that the complaint will be investigated and the outcome of the investigation notified to the complainant within 10 working days.

The member of staff against whom the complaint has been made, should be notified that a complaint has been received, provided with a copy of the complaint and be informed that an investigation will be carried out.

It is essential that there is a clear understanding of the complaint. Where necessary the nature of the complaint should be confirmed with the complainant.

Once the complaint has been confirmed the investigator should establish who they wish to interview and what documentation they will need to review.

Arrangements should be agreed so that accurate notes can be taken of all interviews and the outcome of the investigation be accurately recorded.

The complainant and the member of staff should be given the opportunity to offer documentation and to identify potential witnesses or sources of evidence.

The member of staff subject to the complaint should be advised that they may be accompanied by a friend or trade union representative when invited to be interviewed.

Where children are potential witnesses, discretion should be exercised over their involvement. Students should only be interviewed when the nature of the complaint is sufficiently serious to warrant it and adult witnesses are not available. Only in extreme circumstances will younger Students be interviewed.

Any interviews should be conducted as soon as possible to ensure that recollections are as fresh as possible and to minimise the possibility that evidence will become tainted through witnesses discussing alleged incidents with other persons.

In conducting interviews, the investigator should prepare the questions to be asked prior to the interview. These can always be supplemented during the interviews. The investigator should allow the interviewee to answer in their own way. Their responses should be listened to attentively. Any temptation to cut interviewees short or to seek to "lead" them must be resisted. The interviewee should be given the opportunity of providing other relevant information at the end of the interview.

Interviewees should, however, be advised that their responses must be confined to the substance of the complaint. Any attempt by the interviewee to introduce information relating to other members of staff or to issues unrelated to the complaint should be resisted.

The investigator should avoid reaching conclusions or passing judgement until the investigation has been completed.

A summary of the process undertaken and the outcome of the investigation should be provided to both the complainant and the member of staff against whom the complaint has been made. Caution must be exercised in reporting back to the complainant as revealing certain details may prejudice the ability of the employee to continue in post.

Any recommendations should also be shared with all parties, unless there is good reason not to. Wherever possible, recommendations should be constructive and not punitive.

The complainant should be advised that he/she may, if they are not satisfied that the appropriate procedure has been followed, request a review of that process by the Governing Body.

All documentation relating to any formal complaints procedure. . The most extreme instance would be that: "All documentation relating to the complaint and its investigation and outcomes should be stored securely for a period of six years. [Where the complaint is on behalf of a child, then the Academy may wish to retain the documentation until 6 years after the child has attained the age of 18]"

Annex 2: Model Letters

Model Complaint Form

Please complete this form and return it to Principal / Clerk to Governing Body, who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name:

Relationship with Academy [e.g. parent of a Student on the Academy's roll]:

.....

Student's name [if relevant to your complaint]:

.....

Your Address:

Daytime telephone number:

Evening telephone number:

Please give concise details of your complaint, [including dates, names of witnesses etc...], to allow the matter to be fully investigated.

You may continue on separate paper, or attach additional paperwork, if you wish.

Number of additional pages attached =

What action, if any, have you already taken to try to resolve your complaint? [i.e. who have you spoken with or written to and what was the outcome?]

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What actions do you feel might resolve the problem at this stage?

Signature:

Date:

Academy use: Date Form received: Received by: Date acknowledgement sent: Acknowledgement sent by:

Complaint referred to:			
Date:			

Model Response to Spurious Complainant

Dear

Following receipt of your communications and careful consideration of the same, I regret that I am unable to deal with this matter under the governing body's General Complaints Procedure as:
[Please select appropriate wording from the following]

- You have not identified any specific actions of which you might complain
- Your concerns are presented as conclusions rather than specific actions of which you complain.
- The concerns that you identify relate to historical actions and any evidence which might have enabled an objective investigation of your complaint is no longer available.
- The substance of your complaint has been addressed under this procedure already.
- The concerns that you raise do not fall within the scope of this procedure.
- You have not identified any potential sources of evidence which might allow the matter to be investigated.
- The Academy offered to resolve the matter informally and in my judgement you refused unreasonably to take advantage of this.

If you wish my decision to be reviewed then you may take advantage of the procedure outlined in Annex 1 of the complaints procedure, by writing to the Clerk to the Governing Body.

Yours sincerely

Principal
or Chair of Governing Body

Model Notification of Decision Regarding General Parental Complaint

Dear

Following receipt of your complaint and careful consideration of all the available relevant evidence, I have concluded that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld. If you are able to provide additional evidence forthwith I/we will reconsider this decision.

OR

- The concern is not substantiated by the evidence in that

OR

- The concern was substantiated in part/in full, as The Academy will review its practices/procedures..... with the intention of avoiding any recurrence. Parents will be informed in due course of any policy changes.

OR

- In order to address fully the matters investigated, the Academy has initiated appropriate internal procedures. Due to the nature of these procedures, their outcome must remain strictly confidential. We are confident, however, that the circumstances that gave rise to your complaint should not recur.

I hope that we may now put this matter behind us and work together for the benefit of your child's progress.

Yours sincerely

Principal / Chair of Governing Body

cc Principal

Model Review Outcome Notification

Dear

Having carefully considered your representations in the context of the relevant evidence, the Panel have concluded that the General Complaints Procedure was followed appropriately in respect of your complaint in that

Therefore, the matter is now closed as far as the Academy is concerned.

Or

Having carefully considered your representations in the context of the relevant evidence, the Panel have concluded that the Principal/ Chair of Governors followed the General Complaints Procedure except

Therefore, the following action will be taken

Once this action has been completed the Academy will consider the matter to be closed.

Or

Having carefully considered your representations in the context of the relevant evidence, the Panel have concluded that the Principal/ Chair of Governors followed the General Complaints Procedure except that

We have determined that this procedural failure did not affect the outcome of the consideration of your complaint so, while we regret this error, we will now consider this matter to be closed as far as the Academy is concerned.

Yours sincerely

Chair of the Panel

cc Principal
Chair of Governors

Annex 3: Model Paragraph for inclusion in Academy Prospectus

Raising Concerns and Resolving Complaints

From time to time parents, and others connected with the Academy, will become aware of matters which cause them concern. To encourage resolution of such situations the Governing Body has adopted a “General Complaints Procedure”.

The procedure is devised with the intention that it will:

- Usually be possible to resolve problems by informal means
- Be simple to use and understand
- Be non-adversarial
- Provide confidentiality
- Allow problems to be handled swiftly
- Address all the points at issue
- Inform future practice so that the problem is unlikely to recur.

Full details of the procedure may be obtained from the Academy Office or from the Clerk to the Governing Body.