

STATUS: TKAT policy – Approved by LGB

LAST REVIEWED: Summer 2016



## COMPLAINTS POLICY

### Rationale

This policy is intended to set out how the academy will deal with complaints from parents, pupils and the public, who should feel able to express their views knowing that they will be dealt with fairly. Staff wishing to make a complaint should follow the Staff Conduct, Discipline and Grievance policy.

This policy does not cover those aspects of school life where the law sets specific complaints procedures i.e. admissions, exclusions, complaints about the delivery of the National Curriculum and the provision of collective worship and religious education.

This policy is intended to comply with Schedule 1, Part 7 of the Education (Independent School Standards) (England) Regulations 2010 (as amended), which governs academies.

### Aims

This policy aims to provide parents, pupils and the public with an accessible and easily understood procedure for complaints. The academy would encourage parents and pupils to express their views at the earliest opportunity and through the appropriate channels. Parents should be assured that making a complaint will not adversely affect their child.

### Procedure

#### Stage One - Informal Complaint

- 1.1 On many occasions, minor concerns can be resolved through the appropriate member of staff. Except in minor matters, the concern and any action taken will be logged in the student file. In any event, a record of all concerns, however minor, will be retained centrally at the academy.
- 1.2 If the person first contacted cannot deal with the matter immediately, or where a complainant is dissatisfied after the initial contact and wishes to take the matter further, the next approach should be to the appropriate Director of Studies, Head of Faculty or a member of the Senior Leadership Team available at the time.
- 1.3 On certain issues, the Headteacher may decide to personally deal with concerns informally under this stage.
- 1.4 If the complaint relates to the Headteacher, the complainant should contact the Chair of Governors in the first instance.
- 1.5 Complaints made informally to Governors will be referred to the Headteacher or the Chair of the Local Governing Body, as appropriate.

- 1.6 The person dealing with the complaint must make clear to the complainant what action or monitoring of the situation will take place. This will only be put in writing to the complainant if it seems the best way of making things clear.
- 1.7 Where no satisfactory solution has been found, the complainant will be advised that they should put their complaint in writing to the Headteacher under Stage 2 of this policy.

### **Stage Two - Formal Complaint to the Headteacher**

- 2.1 Formal complaints under Stage 2 should be made in writing to the Headteacher.
- 2.2 The Headteacher (or designate) will acknowledge the complaint in writing within **3 working days** of receiving the written complaint. The acknowledgement will give a brief explanation of the procedure for dealing with complaints as outlined in this policy, and confirm a date for providing a response. This will normally be within **10 working days**. If it is not possible to comply with this time limit, a letter will be sent to the complainant explaining the reason for the delay and giving a revised target date.
- 2.3 The Headteacher (or designate) may (but does not have to) provide an opportunity for the complainant to meet with them to supplement any information provided previously during the course of the investigation. It is made clear to the complainant that, if they wish, they can be accompanied at any meeting by a friend or relative, who can speak on their behalf, and they will be asked if they have any special requirements that the academy need to be aware of, for example wheelchair access, signing, etc.
- 2.4 If necessary, the Headteacher (or designate) will interview witnesses and take statements from those involved. If the complaint centres on a student, the student will also be interviewed. Students will normally be interviewed with parents or guardian present. In some situations, circumstances may prevent this, for example where this would seriously delay the investigation of a serious or urgent complaint, or where the student has expressly stated that they would prefer that their parents or guardians were not involved. In such circumstances, another member of staff with whom the student feels comfortable will be asked to attend. If a member of staff is complained against, the needs of that person should be borne in mind.
- 2.5 The Headteacher (or designate) must keep a written record of any meetings or telephone conversations, and must retain any other relevant documentation.
- 2.6 Once all of the relevant facts have been established, the Headteacher (or designate) will provide a written response to the complainant, and may (but does not have to) meet with the complainant to discuss or resolve the matter directly. Again, the complainant can be accompanied at any such meeting, as outlined above.
- 2.7 The written response will include a full explanation of the decisions and the reasons for it. Where appropriate, this will include what action will be taken to resolve the complaint. The complainant will be advised that, should he or she wish to take the complaint further, he or she should write to the Chair of the Local Governing Body within **10 working days** of receiving the outcome letter requesting a review of the Stage 2 decision.
- 2.8 Where the complaint is about the Headteacher, the Chair of the Local Governing Body will deal with the complaint under Stage 2 of this policy.

### **Stage Three – Review by the Chair of the Local Governing Body**

- 3.1 The request for a review of the Stage 2 decision by the Chair of the Local Governing Body should be made in writing within **10 working days** of receipt of the outcome letter.
- 3.2 The Chair of the Local Governing Body will acknowledge the request in writing within **5 working days** of receipt. The letter will give a brief explanation of the procedure for dealing with the review as outlined in this policy, and confirm a date for providing a response. This will normally be within **20 working days**. If it is not possible to comply with this time limit, a letter will be sent to the complainant explaining the reason for the delay and giving a revised target date.
- 3.3 The Chair of the Local Governing Body will be provided with all paperwork relating to the complaint. If necessary, the Chair of the Local Governing Body may (but does not have to) speak to the complainant, students (who will be accompanied, as outlined above) or members of staff during the course of his or her review, and will keep a written record of any such discussions.
- 3.4 Once the review has been completed, the Chair of the Local Governing Body will provide a written response to the complainant, and may (but does not have to) meet with the complainant to discuss or resolve the matter directly. The complainant can be accompanied at any such meeting, as outlined above.
- 3.5 The written response will include a full explanation of the decision and the reasons for it. Where appropriate, this will include what action will be taken to resolve the complaint. The complainant will be advised that, should he or she wish to take the complaint further, he or she should write to the Clerk to the Local Governing Body within **10 working days** of receiving the outcome letter requesting a Complaint Panel Hearing.
- 3.6 Where the complaint is about the Headteacher and the Chair of the Local Governing Body has dealt with the complaint at Stage 2, the complainant should ignore Stage 3 and write to the Clerk to the Local Governing Body within **10 working days** of receiving the outcome letter requesting a Complaint Panel Hearing.
- 3.7 Where the complaint is about the Chair of the Local Governing Body and the Headteacher has dealt with the complaint at Stage 2, the complainant should ignore Stage 3 and write to the Clerk to the Local Governing Body within **10 working days** of receiving the outcome letter requesting a Complaint Panel Hearing.

#### **Stage Four - Complaint Panel Hearing**

- 4.1 A request for a Complaint Panel Hearing should be made in writing to the Clerk to the Local Governing Body within **10 working days** of receipt of the outcome letter.
- 4.2 Upon receipt of a written request by the complainant for a Complaint Panel Hearing, the procedure outlined below will be followed.
- 4.3 The Clerk to the Local Governing body will write to the complainant to acknowledge receipt of the request within **5 working days**. The letter will inform the complainant that the complaint will be heard by the Complaint Panel within **20 working days** of receiving the request. The letter will also confirm that the complainant has the right to submit any further documents relevant to the complaint and ask for any such documents to be sent to the Clerk to the Local Governing Body within **5 working days**.
- 4.4 The Clerk to the Local Governing Body will make arrangements to convene the Complaint Panel, which will consist of three members who will have had no involvement in the subject

matter of the complaint, no involvement in dealing with the complaint in the previous stages, and no detailed knowledge of the complaint. One of the members of the Complaint Panel will be independent of the running and management of the academy (i.e. they will not be a Governor of the Local Governing Body, a Director of The Kemnal Academies Trust, or an employee of either the academy or The Kemnal Academies Trust).

- 4.5 The Clerk to the Local Governing Body will ensure that the Complaint Panel hears the complaint within **20 working days** of receiving the request. All relevant correspondence and documentation regarding the complaint will be provided to the complainant and the Complaint Panel at least **2 working days** prior to the Complaint Panel Hearing.
- 4.6 The academy will be represented at the Complaint Panel Hearing by the person who dealt with the complaint in the previous stage. This will usually be the Chair of the Local Governing Body, unless the complaint is about the Chair of the Local Governing Body, in which case the academy will be represented at the Complaint Panel Hearing by the Headteacher.
- 4.7 The Clerk to the Local Governing Body will write to the complainant, the Headteacher or Chair of the Local Governing Body (as appropriate), any relevant witnesses and the Complaint Panel informing them of the date, time and venue of the Complaint Panel Hearing at least **5 working days** in advance. The letter to the complainant will confirm that he or she may bring witnesses to the Complaint Panel Hearing, and that he or she also has the right to be accompanied by a friend or relative for support, and an interpreter or signer if necessary. The letter will also explain how the Complaint Panel Hearing will be conducted.
- 4.8 The procedure which will be followed at the Complaint Panel Hearing is as follows:
  - The complainant will outline their complaint;
  - The Chair of the Local Governing Body or Headteacher will ask the complainant questions, if necessary;
  - The Complaint Panel will ask the complainant questions, if necessary;
  - The complainant's witness will make a verbal statement;
  - The Chair of the Local Governing Body or Headteacher will ask the witness questions, if necessary;
  - The Complaint Panel will ask the witness questions, if necessary;
  - If the complainant has more than one witness, the next witness will follow;
  - The Chair of the Local Governing Body or Headteacher will outline the academy's stance to the complaint and how the complaint was dealt with in the previous stages;
  - The complainant will ask the Chair of the Local Governing Body or Headteacher questions, if necessary;
  - The Complaint Panel will ask the Chair of the Local Governing Body or Headteacher questions, if necessary;
  - The academy's witness will make a verbal statement;
  - The complainant will ask the witness questions, if necessary;
  - The Complaint Panel will ask the witness questions, if necessary;
  - If the academy has more than one witness, the next witness will follow;
  - The complainant will summarise her complaint;
  - The Chair of the Local Governing Body or Headteacher will summarise the academy's stance;
  - The Complaint Panel Hearing will close to enable the Complaint Panel to meet in private to make their findings of fact and recommendations, if any.
- 4.9 The complainant's and the academy's witnesses will only attend the Complaint Panel Hearing for that part of it where they give their verbal statements and answer questions. They will be

asked to remain outside at all other times. Where a witness has previously given a written account which is largely undisputed, the Chair of the Complaint Panel may decide in advance that they do not need to attend the Complaint Panel Hearing to give a verbal statement.

- 4.10 The Clerk to the Complaint Panel (who will usually be the Clerk to the Local Governing Body, but does not have to be) will record minutes of the Complaint Panel Hearing, however the proceedings will be kept as informal as possible with the main aim being to achieve reconciliation between the complainant and the academy.
- 4.11 After the Complaint Panel Hearing has closed, the Complaint Panel will meet in private to discuss the complaint. In some cases, it may be possible for this meeting to take place immediately after the Complaint Panel Hearing while the parties wait outside, and for a verbal decision to be provided immediately. In most cases, the parties will be informed that the Complaint Panel's decision will be confirmed in writing within **15 working days** and be invited to leave.
- 4.12 The Complaint Panel will make **findings of fact**, namely they will decide on a balance of probabilities (i.e. more likely than not) what facts they accept and which they reject. The Complaint Panel will make a written record of their findings of fact. The Complaint Panel will then decide what **recommendations** to make, if any. These may include recommendations aimed at achieving reconciliation between the complainant and the academy, or recommendations for the academy to follow aimed at improving the academy's procedures or preventing a recurrence of the events which led to the complaint. The Complaint Panel will make a written record of their recommendations and, if no recommendations are made, they will record this fact.
- 4.13 The Clerk to the Complaint Panel will write to the complainant, the Headteacher (in all cases, whether or not the Headteacher represented the academy), the Chair of the Local Governing Body (if they represented the academy) and, where relevant, any persons complained about, confirming their **findings of fact** and **recommendations** within **15 working days** of the Complaint Panel Hearing.
- 4.14 The Clerk to the Complaint Panel will ensure that a record of the Complaint Panel's **findings of fact** and **recommendations** is kept on the academy's premises and is available for inspection by The Kemnal Academies Trust, the Local Governing Body and the Headteacher.

### **Referral to the Education Funding Agency**

- 5.1 If a complainant is not satisfied that academy's Complaints Policy complies with regulations governing academies, or that the academy has followed the procedure outlined in this policy correctly, or that the academy has acted unlawfully, or failed to comply with a contractual duty imposed by its Funding Agreement with the Secretary of State or any other legal obligation, the complainant has a right to refer their complaint to the Education Funding Agency (who are part of the Department for Education).
- 5.2 The Education Funding Agency will not usually review or overturn decisions made by academies about a complaint. They will usually only investigate whether the Academy considered the complaint appropriately. If the Education Funding Agency finds that an academy did not consider a complaint appropriately, it can request the academy to carry out an investigation under that stage of the complaints procedure again.
- 5.3 The contact details for the Education Funding Agency are as follows:

Academies Central Unit (Academy Complaints)

Education Funding Agency  
Earlsdon Park  
53-55 Butts Road  
COVENTRY  
CV1 3BH

### **Vexatious or Repeated Complaints**

- 6.1 Sometimes, despite exhausting every stage of the academy's complaints procedure, a complainant may persist with a complaint about the same subject. In those cases and in cases where a complaint is clearly so trivial that it would be a waste of the academy's resources to deal with the complaint under all four stages of the academy's complaints procedure, the academy reserves the right (in exceptional cases only) to write to the complainant informing them that their complaint is regarded as vexatious and/or repeated and that the academy's complaints procedure will not be followed.
- 6.2 In such cases, the complainant is entitled to write to the Chair of the Local Governing Body asking for him or her to review the decision to regard the complaint as vexatious and/or repeated. The Chair of the Local Governing Body will respond to such a request within **10 working days** of receiving it confirming the outcome of the review. If the academy's decision is upheld by the Chair of the Local Governing Body, the complainant may refer their complaint to the Education Funding Agency as outlined above.

### **Record Keeping**

- 7.1 The academy will keep a record of all concerns and complaints received and their outcomes, whether or not they were dealt with formally or informally.
- 7.2 The academy will keep all correspondence and documentation relating to individual concerns or complaints confidential, except where the Secretary of State or a body conducting a school inspection requests access to them.

This policy will be reviewed regularly and updated as necessary, and should be read in conjunction with:

Equal Opportunities Policy  
Race Equality Policy

**APPENDIX 1**

**ACADEMY NAME**

**Record of a complaint made on:**.....

**Complainant:**.....

**Reference:**.....

**Key issues raised:**      *Please attach a copy of the complaint, and any relevant evidence*

**Action Needed:**

**Action taken (with dates and initials):**

**Signed:**.....

**Position:**.....

**Date:**.....