



## COMPLAINTS PROCEDURE

<b>Date of last review:</b>	March 2018	<b>Review period:</b>	Annually
<b>Date of next review:</b>	March 2019	<b>Owner:</b>	CEO
<b>Type of policy:</b>	Trust	<b>LGB or Board approval:</b>	Board

## 1. Introduction and Aim

Our academy aims to meet its statutory obligations when responding to complaints from parents of pupils at the academy, and others.

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect complainants' desire for confidentiality
- Treat complainants with respect
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into academy improvement evaluation processes

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

The academy will aim to give the complainant the opportunity to complete the complaints procedure in full. To support this, we will ensure we publicise the existence of this policy and make it available on the academy website.

This procedure is intended to allow you to raise a concern or complaint relating to the Trust or academy, or the services that it provides.

An anonymous concern or complaint will not be investigated under this procedure, unless there are exceptional circumstances.

To enable a proper investigation, concerns or complaints should be brought to the attention of the Trust or academy as soon as possible. In general, any matters raised more than 3 months after the event, being complained of, will not be considered. We will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

## 2. Legislation and guidance

This document meets the requirements set out in part 7 of the schedule to [the Education \(Independent Academy Standards\) Regulations 2014](#), which states that we must have and make available a written procedure to deal with complaints from parents of pupils at the academy.

It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on [creating a complaints procedure that complies with the above regulations](#), and refers to [good practice guidance on setting up complaints procedures](#) from the Department for Education (DfE).

This policy complies with our funding agreement and articles of association.

In addition, it addresses duties set out in the [Early Years Foundation Stage statutory framework](#)

with regards to dealing with complaints about the academy's fulfilment of Early Years Foundation Stage requirements.

### 3. Definitions and scope

The DfE guidance explains the difference between a concern and a complaint.

A **concern** is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”. The academy will resolve concerns through day-to-day communication as far as possible.

A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”. The academy intends to resolve complaints informally where possible, at the earliest possible stage. There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

This policy does not cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline

Please see our separate policies for procedures relating to these types of complaint.

Arrangements for handling complaints from parents of children with SEN about the academy's support are within the scope of this policy. Such complaints should first be made to the relevant academies SENCO lead; they will then be referred to this complaints policy. Our SEND policy includes information about the rights of parents of pupils with disabilities who believe that our academy has discriminated against their child.

Complaints about services provided by other providers who use academy premises or facilities should be directed to the provider concerned.

### 4. Complaints Investigation

When investigating a complaint, we will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right

We also intend to address complaints as quickly as possible. To achieve this, realistic and

reasonable time limits will be set for each action within each stage.

Where further investigations are necessary, new time limits will be set, and the complainant will be sent details of the new deadline with an explanation for the delay.

### **Complaints about our fulfilment of early year's requirements**

We will investigate all written complaints relating to the academy's fulfilment of the Early Years Foundation Stage requirements, and notify the complainant of the outcome within 28 days of receiving the complaint. The academy will keep a record of the complaint (see section 9) and make this available to Ofsted on request.

Parents and carers can notify Ofsted if they believe that the academy is not meeting Early Years Foundation Stage requirements, by calling 0300 123 4234 or 0300 123 4666, or by emailing [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk). An online contact form is also available at <https://www.gov.uk/government/organisations/ofsted#org-contacts>.

We will notify parents and carers if we become aware that the academy is to be inspected by Ofsted. We will also supply a copy of the inspection report to parents and carers of children attending the setting on a regular basis.

## **5. Complaints Process**

The complaints process has three stages, informal, formal and a panel hearing

### **Stage 1: Informal**

It is normally appropriate to communicate directly with the member of staff concerned. This may be by letter, by telephone, by email or in person by appointment, requested via the academy office. 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.

The school will acknowledge informal complaints within 5 school days, and an indicative date for a response will be provided.

In the case of serious concerns it may be appropriate to address them directly to the Head of the Academy, or Executive Head Teacher (or to the Chair of the LGB / Academy Council, if the complaint is about the Headteacher). If you are uncertain about who to contact, please seek advice from the academy office or the Clerk to the governing body.

### **Stage 2: Formal**

If your concern or complaint is not resolved at the informal stage you may choose to put the complaint in writing and pass it to the Head of the Academy / Executive Head Teacher, who will be responsible for ensuring that it is investigated appropriately. If the complaint is about the Executive HeadTeacher, your complaint should be passed to the Clerk to the governing body for the attention of the Chair of the governing body.

The formal complaint needs to be raised within 10 school days of Stage 1 being concluded. A Complaint Form is provided to assist you.

You should include details which might assist the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents.

It is very important that you include a clear statement of the actions that you would like the academy to take to resolve your concern. Without this, it is much more difficult to proceed.

Please pass the completed form, in a sealed envelope to the academy office. The envelope should be addressed to the Head of the Academy, Executive Headteacher, or to the Clerk to the Local Governing Body / Academy Council, as appropriate. Your complaint will be acknowledged within 5 school days and will include an indicative date for a written response.

The Head of the Academy, Executive Head Teacher (or Chair) may invite you to a meeting to clarify your concerns and to explore the possibility of an informal resolution. If you accept that invitation, you may be accompanied by a friend, if you wish, to assist you in explaining the nature of your concerns.

It is possible that your complaint will be resolved through a meeting with the Executive Head Teacher (or Chair). If not, arrangements will be made for the matter to be fully investigated, using the appropriate procedure.

Any investigation will begin as soon as possible and when it has been concluded, you will be informed in writing of its conclusion.

If you are not satisfied with the manner in which the process has been followed, you may request that the governing body reviews the process followed by the academy or trust, in handling the complaint. Any such request must be made in writing to the clerk to the governing body / academy council, within 10 school days of receiving notice of the outcome, and include a statement specifying any perceived failures to follow the procedure. The procedure described below will be followed. A Review Request form is provided for your convenience.

### **Stage 3: Review Panel**

Complaints will be escalated to the panel hearing stage if the complainant is not satisfied with the response to the complaint at the second, formal, stage.

The panel will be appointed by or on behalf of the proprietor and must consist of at least 3 people who were not directly involved in the matters detailed in the complaint. At least 1 panel member must be independent of the management and running of the academy. The panel cannot be made up solely of governing board members, as they are not independent of the management and running of the academy.

The panel will have access to the existing record of the complaint's progress.

The complainant must have reasonable notice of the date of the review panel; however, the review panel reserves the right to convene at their convenience rather than that of the complainant. At the review panel meeting, the complainant and representatives from the Trust / Academy, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant must be allowed to attend the panel hearing and be accompanied if they wish. At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called, as appropriate, to present their evidence.

The panel, the complainant and the Trust / Academy representative(s) will be given the chance to ask and reply to questions. Once the complainant and Trust / Academy representative(s) have presented their cases, they will be asked to leave and evidence will then be considered.

The panel must then put together its findings and recommendations from the case. The panel will also provide a copy of the findings and recommendations to the complainant and, where relevant, the individual who is the subject of the complaint, and make a copy available for inspection by the proprietor and headteacher.

The remit of the complaints appeal panel is to:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint;
- recommend changes to the academy's systems or procedures to ensure that problems of a similar nature do not recur

The Trust / Academy will inform those involved of the decision in writing within 5 school days post the panel review.

## **6. Referring Complaints on completion of the schools procedure**

If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the ESFA. The ESFA will check whether the complaint has been dealt with properly by the academy. The ESFA will not overturn a school's decision about a complaint.

However, it will look into:

- Whether there was undue delay, or the school did not comply with its own complaints procedure
- Whether the school was in breach of its funding agreement with the secretary of state
- Whether the school has failed to comply with any other legal obligation

If the academy did not deal with the complaint properly, it will be asked to re-investigate the complaint. If the academy's complaints procedure is found to not meet regulations, the school will be asked to correct its procedure accordingly.

For more information or to refer a complaint, see the following webpage:

<https://www.gov.uk/complain-about-school>

## **7. Persistent Complaints**

Where a complainant tries to re-open the issue with the Trust / Academy after the complaints procedure has been fully exhausted and the school has done everything it reasonably can in response to the complaint, the chair of governors / Academy Council (or other appropriate person in the case of a complaint about the chair) will inform the complainant that the matter is closed.

If the complainant subsequently contacts the Academy again about the same issue, the school can choose not to respond. The normal circumstance in which we will not respond is if:

- The Trust / Academy has taken every reasonable step to address the complainant's needs, and
- The complainant has been given a clear statement of the Trust / Academy's position and their options (if any), and
- The complainant is contacting the Academy repeatedly but making substantially the same points each time

However, this list is not intended to be exhaustive. The Academy will be most likely to choose not to respond if:

- We have reason to believe the individual is contacting the Trust / Academy with the intention of causing disruption or inconvenience, and/or
- The individual's letters/emails/telephone calls are often or always abusive or aggressive, and/or
- The individual makes insulting personal comments about, or threats towards, academy staff

Unreasonable behaviour which is abusive, offensive or threatening may constitute an unreasonably persistent complaint.

Once the Trust / Academy has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email.

The school will ensure when making this decision that complainants making any new complaint are heard, and that the Academy acts reasonably.

## **8. Record-Keeping**

The Trust / Academy will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

This material will be treated as confidential and held centrally, and will be viewed only by those involved in investigating the complaint or on the review panel. This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

Records of complaints will be kept for seven years.

The details of the complaint, including the names of individuals involved, will not be shared with the whole governing board / Academy Council in case a review panel needs to be organised at a later point.

Where the governing board is aware of the substance of the complaint before the review panel stage, the academy will (where reasonably practicable) arrange for an independent panel to hear the complaint.

Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the governing board, who will not unreasonably withhold consent.

## **9. Learning Lessons**

The governing body / Academy Council will review any underlying issues raised by complaints with the Head of the Academy and Executive Head teacher where appropriate, and respecting confidentiality, to determine whether there are any improvements that the Trust / Academy can make to its procedures or practice to help prevent similar events in the future.

**Victoria Academies Trust - Meeting Request Form**

I wish to meet with \_\_\_\_\_ to discuss the following matter:

Brief details of topic to be discussed:

Dates/times when it would be most convenient for a meeting:

Your name:

Relationship with academy (e.g. parent of a pupil on the academy roll):

Pupil's name (if relevant to the matter to be discussed)

Your Address:

Telephone numbers

Daytime:

Evening:

e-mail address:

**Signed:** \_\_\_\_\_ **Date:** \_\_\_\_\_

Please complete this form and return it to the academy office

**FOR ACADEMY USE ONLY**

Date Form received:

Date response sent:

Received by:

Response sent by:

## Victoria Academies Trust - Formal Complaint Form

Please complete this form and return it, via the academy office, to the Head of the Academy (or Clerk to the Governing Body / Academy Council), 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 pupil on the academy roll):

Pupil's name (if relevant to your complaint):

Your Address:

Telephone numbers

Daytime:

Evening:

e-mail address:

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 documents, 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?)

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

**Signed:** \_\_\_\_\_ **Date:** \_\_\_\_\_

Please complete this form and return it to the academy office

**FOR ACADEMY USE ONLY**

Date Form received:

Date response sent:

Received by:

Response sent by:

## Victoria Academies Trust - Complaint Review Request Form

Please complete this form and return it to the Head of the Academy (or Clerk to the Governing Body / Academy Council), who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name:

Your Address:

Telephone numbers:

Daytime:

Evening:

e-mail address:

Dear Sir / Madam

I submitted a formal complaint to the academy on \_\_\_\_\_ and am dissatisfied by the procedure that has been followed.

My complaint was submitted to \_\_\_\_\_ and I received a response  
from \_\_\_\_\_ on \_\_\_\_\_

I have attached copies of my formal complaint and of the response(s) from the academy.

I am dissatisfied with the way in which the procedure was carried out, because:

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

Number of Additional pages attached =

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

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**FOR ACADEMY USE ONLY**

Date Form received:

Date response sent:

Received by:

Response sent by: