

# *Complaints Procedure*

*October 2020*

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## 1. Principles

- 1.1 The aim of this procedure is to ensure a swift and effective resolution to be reached in issues arising causing concern for learners, parents<sup>1</sup> or members of the community. The aim is to deal with concerns at an early stage in an informal manner. However, it is recognised that from time to time complaints need to be dealt with via a formal procedure.
- 1.2 Should a complaint lead to a formal procedure then the Complaints Procedure will be superseded by the appropriate policy/procedure.
- 1.3 This procedure meets the standards set out in the Education (Independent Schools Standards (England) Regulations 2014 Schedule 1, Part 7.

## 2. Procedure

### 2.1 Stage 1

- 2.1.1 The member of staff receiving the complaint will complete Part A of the complaint form (Appendix 1) and forward this to the Principal's PA within 24 hours<sup>2</sup> of the complaint being received.
- 2.1.2 The Principal's PA will write to the complainant to acknowledge the complaint within four working days<sup>2</sup> of receipt. The Principal's PA will also record the complaint in the complaints log and, if appropriate, on the learner database.
- 2.1.3 The Principal's PA will forward a copy of the complaint form to the appropriate member of staff for investigation within 24 hours<sup>2</sup> of having received it.
- 2.1.4 The member of staff investigating the complaint will complete Part C of the complaint form, commenting on the validity of the complaint and giving details of any action to be taken to address the complaint. The member of staff will write to the complainant to advise him/her of the outcome of the complaint within six weeks<sup>2</sup> of the receipt of the complaint.

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<sup>1</sup> Within this document, the term parent refers to those with parental responsibility for a learner

<sup>2</sup> This applies to academy term time working



- 2.1.5 Unless the complainant writes to the Principal's PA within three weeks<sup>2</sup> of the date of the letter advising of the outcome of his/her complaint, it will be assumed that the complaint has been resolved to his/her satisfaction.
- 2.1.6 If the complainant writes to the Principal's PA advising that the complaint has not been resolved to his/her satisfaction, the complaint will be passed to the Principal for a Stage 2 investigation.

## 2.2 Stage 2

- 2.2.1 The Principal will undertake an additional investigation into the complaint and will write to the complainant confirming the results of this investigation. This will be within six weeks<sup>2</sup> of the receipt of the complainant's letter advising that the complaint had not been resolved to his/her satisfaction

## 2.3 Stage 3

- 2.3.1 If a complaint is still not resolved to the complainant's satisfaction, it will be referred to the Chair of the Board of Trustees who will consider the complaint and decide whether it should be referred to the Complaints Appeal Panel. The Chair of the Board of Trustees will inform the complainant of his/her decision.
- 2.3.2 If a complaint is about the Principal or a trustee, it will be referred to the Chair of the Board of Trustees who will investigate the complaint. The complaint will be acknowledged within four working days of receipt and the Chair of the Board of Trustees will write to the complainant to advise him/her of the outcome of the complaint within six weeks<sup>2</sup> of its receipt.

## 2.4 Stage 4

- 2.4.1 The Complaints Appeals Panel hearing is the last academy-based stage of the complaints process. The Complaints Appeal Panel will comprise three trustees and one independent individual. It must not include the Chair of the Board of Trustees as s/he will already have been involved in the complaint.



#### 2.4.2 Remit of the Complaints Appeal Panel. The panel can:

- 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.

#### 2.4.3 There are several points which any trustee sitting on a Complaints Appeal Panel needs to remember:

- (i) It is important that the appeal hearing is independent and impartial and that it is seen to be so. No trustee may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, trustees need to try and ensure that it is a cross-section of the categories of trustee and sensitive to the issues of race, gender and religious affiliation.
- (ii) The aim of the hearing, which needs to be held in private, will always be to resolve the complaint. However, it has to be recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
- (iii) An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The chair of the panel will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.

#### 2.4.4 Roles and Responsibilities

- Clerk to the Board of Trustees. The Clerk is the contact point for the complainant and will:
  - Set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible.



- Where the complainant is a parent, ensure they are aware that they can be accompanied to the hearing.
  - Collate any written material and send it to the parties in advance of the hearing.
  - Meet and welcome the parties as they arrive at the hearing.
  - Record the proceedings.
  - Notify all parties of the panel's decision.
- Chair of the Board of Trustees. The Chair of the Board of Trustees will:
    - Check that the correct procedure has been followed.
    - If a hearing is appropriate, notify the Clerk to arrange the panel.
- Chair of the Panel. The chair of the panel has a key role in ensuring that:
    - The remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption.
    - The issues are addressed.
    - Key findings of fact are made.
    - Parents and others who may not be used to speaking at such a hearing are put at ease.
    - The hearing is conducted in an informal manner with each party treating the other with respect and courtesy.
    - The panel is open minded and acting independently.
    - No member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure.
    - Each side is given the opportunity to state their case and ask questions.
    - Written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.



#### 2.4.5 Notification of the Panel's Decision

- The chair of the panel will ensure that the complainant (and where relevant the person complained about) is notified of the panel's findings and recommendations in writing, either by email or letter, within ten working days<sup>2</sup> of the hearing. The email/letter will explain the rights of appeal, which only exist in cases relating to exclusions or admissions.
- The Clerk to the Board of Trustees will ensure that details of the Panel's findings and recommendations are available at the academy for inspection by the Principal and the Chair of the Board of Trustees.

#### 2.5 Role of the Education & Skills Funding Agency (ESFA)

If a complainant has been through all the stages of the academy's Complaints Procedure but remains dissatisfied, s/he can ask the ESFA to review the handling of his/her complaint. Further information can be found at [www.gov.uk/government/publications/complain-about-an-academy](http://www.gov.uk/government/publications/complain-about-an-academy)

### 3. Recording/Reporting

The Principal's PA will keep a written record of complaints received, resultant action and response rates. This will include whether or not the complaint was resolved at the preliminary stage or proceeded to a panel hearing. These records will be kept confidential.

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Date of approval by Governing Body:	8 December 2009
Updated and reapproved:	21 September 2010
Reviewed and reapproved:	24 January 2012
Reviewed and reapproved:	5 May 2015
Date of next review:	May 2017
Reviewed and reapproved:	12 February 2018
Reviewed and reapproved:	17 June 2020
Updated:	1 October 2020





## Complaint Form

**A - to be completed by person receiving complaint**

Date complaint received: \_\_\_\_\_

Received by: \_\_\_\_\_

Name of person making complaint: \_\_\_\_\_

Learner  Parent/Carer  Employee  Visitor  Other

Organisation: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

Summary of complaint (attach letter/email if applicable)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date passed to Principal's PA: \_\_\_\_\_

**B - to be completed by Principal's PA**

Date complaint received: \_\_\_\_\_ Date acknowledged: \_\_\_\_\_  
(attach copy)

Recorded in complaint log

Form forwarded for action/comments to: \_\_\_\_\_

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

**C - to be completed by member of staff investigating complaint**

Give details of any action taken to address the complaint. Continue on a separate sheet if necessary.

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Date complainant advised of outcome: \_\_\_\_\_ (*attach copy of letter*)

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

**D - to be completed by Principal's PA**

Has the complaint been resolved to the complainant's satisfaction?

Yes

No - date letter received: \_\_\_\_\_

Date passed to Principal for Stage 2 investigation: \_\_\_\_\_

Date complainant advised of outcome: \_\_\_\_\_ (*attach copy of letter*)

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

*This space should be used to record any other relevant information, e.g. referral to the Chair of the Board of Trustees*