# COMPLAINTS POLICY AND PROCEDURE

September 2015

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## Governing Committee Responsible
Governing Body

## Approved By and Date:
Main Governing Body September 2015

## Monitored & Reviewed By and Date
Board of Trustees December 2016

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December 2017

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Beacon Community College Academy Trust
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Statement of intent

Beacon Academy is dedicated to providing the best possible education and support for all its students. This means having a clear, fair and efficient procedure with dealing with any complaints to or against the Academy, so that any issues that arise can be dealt with as soon as possible. If parents have concerns, they can expect any issues to be treated seriously by the Academy in accordance with this policy document.

The Complaints Policy has been created to deal with any complaint against a member of staff or the Academy as a whole, relating to aspects of the Academy or the provision of facilities or services.

- A complaint can be brought by a parent of a registered child at the school or any person who has been provided with a service/facility at the Academy. This person is referred to as the complainant.
- The Headteacher has overall responsibility for the Academy complaints procedure but may have a nominated member of staff with responsibility for the operation and management of the Academy complaints procedure. At Beacon Academy, the class
teacher, Student Support Services or Headteacher’s PA will be the first point of contact.
- A concern becomes a complaint only when the complainant asserts that the Academy has acted wrongly in some significant decision, action or failure to take action.
- Even when a complaint has been made it can be resolved or withdrawn at any stage.

**Aims**

In line with the legislative framework outlined in section 1 of this policy, Beacon Academy will:

- Encourage the resolution of problems by informal means wherever possible.
- Ensure the swift handling with established time-limits for action and keeping people informed of any progress.
- Ensure a full and fair investigation by an independent person where necessary.
- Respect people's desire for confidentiality.
- Address all the points at issue and provide an effective response and appropriate redress where necessary.
- Provide information to the Academy’s senior management team so that services can be improved.

This policy and procedures document covers all complaints against the Academy by parents and other external people who do not have an alternative statutory avenue of appeal or complaint.

**1. Legal framework**

1.1. This policy and procedures document takes into account the following legislation and associated regulations:

- The Education Act 2002.

**2. Dealing with concerns informally**

2.1. The Academy recognises that a vast majority of complaints and concerns can be resolved informally.
2.2. The complainant must feel able to raise their concerns and complaints with members of staff, either in person, by telephone, email or in writing. A preliminary discussion may be undertaken to help clarify if he or she is making a complaint or expressing an opinion, and whether they wish to take it further.
2.3. The complainant should be able to bring a support person to any discussion.
2.4. The member of staff dealing with the concern should make sure that the complainant is clear what action (if any) or monitoring of the situation has been agreed.

2.5. The process should be completed speedily and concluded in writing with appropriate detail.

2.6. Where no satisfactory solution has been found, the complainant should be informed that he or she will need to consider whether to make a formal complaint in writing to the Headteacher.

2.7. To assist with this process a complaint form is available. (See Appendix 1 or 2.)

3. Monitoring and recording complaints

3.1. At all stages of the complaints procedure the following information will be recorded:

- Name of the complainant.
- Date and time at which complaint was made.
- Details of the nature of the complaint.
- Desired outcome of the complainant.
- How the complaint is being investigated (including written records of any interviews held).
- Results and conclusions of investigations.
- Any action taken.
- The complainant’s response.
- Record of any subsequent action if required.

4. Special circumstances

4.1. If the complaint suggests that a child has been at risk of significant harm through violence, emotional abuse, sexual abuse or neglect, it may be referred without further notice to Children’s Social Care and/or to the social services authority/police for the area in which the child lives.

4.2. If a social services authority decides to investigate a situation, this may postpone or supersede investigation by the Headteacher or Governing Body.

4.3. Where a matter can be resolved through a legal appeal, it will not be considered as a formal complaint. The key areas are: admissions decisions; certain decisions relating to formal assessment of special educational needs (SEN); and decisions to permanently exclude a child.

5. Formal complaints procedure

5.1. Stage 1 - Complaint heard by staff member

- The complainant discusses their concerns with the child’s class teacher, if applicable, or if they prefer, another member of the Academy’s teaching staff.
• Where the complaint concerns the Headteacher, the Headteacher’s PA will refer the complainant to the Chair of Governors.
• If the complainant first approaches the Governor, the next step would be to refer the complainant to the appropriate person and advise them about the correct procedure.
• Governors should not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages, in case they are needed to sit on a panel at a later stage of the procedure.
• If a resolution cannot be sought at this level, or the complainant is dissatisfied with the outcome of these initial discussions, then the parent/carer may wish to escalate the complaint to the next level of the procedure.
• An initial acknowledgement will be made within one working day of receipt.
• There is no suggested time scale for resolution at this stage given the importance of dialogue through informal discussion although it would be expected that most issues would be resolved within 5 working days.
• A written response will be made available to the complainant where appropriate and if requested.

5.2. Stage 2 - Complaint heard by Headteacher

• The complainant should request an appointment to see the Headteacher. This should be as soon as reasonably practical to avoid any possible worsening of the issue.
• The Headteacher may delegate the task of collating the information to another staff member but not the decision on the action to be taken.
• If the complaint is against a member of staff, the Headteacher should talk to the staff member against whom the complaint has been made. If necessary, the Headteacher should interview witnesses and take statements from those involved.
• The Headteacher should keep written records of meetings, telephone conversations and other documentation.
• The Headteacher will investigate fully and communicate findings and/or resolutions to the complainant(s) verbally or in writing depending on the nature of the issue.
• Once all the relevant facts have been established, the Headteacher will provide a written response to the complainant. The written response should include a full explanation of the decision and the reasons for it. Where appropriate, it should also include what action the Academy will take to resolve the complaint.
• Stage 2 should be completed in 15 school days. However, it is recognised that where the case is complex, it may prove difficult to meet this time frame. In such cases, the Headteacher will write to the complainant giving a revised target date.
• If the complainant is not satisfied with the outcome at this stage then the complaint can be moved to the next level for an independent review by the Governing Body's Complaints Appeal Panel.

5.3. Stage 3 – Complaint heard by the Governing Body’s Complaints Appeal Panel (CAP)
• Complaints at this stage should be made in writing and addressed to the Chair of Governors no later than 10 school days following receipt of a Stage 2 outcome. The Chair of Governors, or a nominated Governor, will convene a Governing Body CAP.

• Written acknowledgement of the complaint will be made within 3 school days informing the complainant their complaint will be heard within 20 school days.

• A CAP will be arranged with 3 members of the Governing Body and the complainant. Five school days' notice will be given to all attending. The Clerk to the Governors will write to the complainant to explain how the review will be conducted. The letter will be copied to the Headteacher.

• At the meeting everyone's case will be put forward and discussed. The CAP should reconsider the issues raised in the original complaint and not confine themselves to consideration of procedural issues.

• The meeting should allow for:
  • The complainant to explain his or her complaint and the Headteacher to explain the reasons for the decision.
  • The Headteacher to question the complainant about the complaint and the complainant to question the Headteacher.
  • The CAP to have an opportunity to question both the complainant and the Headteacher.
  • Any party to have the right to bring witnesses (subject to the approval of the Chair of CAP) and all parties having the right to question all the witnesses.
  • A final statement by the Headteacher and complainant.

• A written response to the complainant will be made within 15 school days. The letter will explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

6. Role of the Education Funding Agency (EFA)

6.1. If the complainant is unhappy with the way in which the Academy has dealt with the complaint, they may be able to approach the EFA via the Academy’s complaints form to intervene.

6.2. For the EFA to intervene following a complaint, they need to be sure that either:
  • The Academy has acted or is proposing to act unreasonably in the exercise or performance of its functions imposed by the legal framework outlined in section 1; or
  • The Academy has failed to discharge any duty imposed by, or for the purposes of, the legal framework outlined in section 1.
7. Roles and responsibilities

7.1. The Remit of the Complaints Appeal Panel (CAP)

7.1.1. 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.

7.1.2. There are several points which any Governor sitting on a complaints panel needs to remember:

- It is important that the appeal hearing is independent and impartial and that it is seen to be so. Consequently, no Governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it, and at least one member of the CAP must be independent of the management and running of the Academy.
- The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the Academy and the complainant. However, it has to be recognised that 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.
- 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 panel chair 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.
- Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child’s parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.
- The Governor sitting on the panel need to be aware of the complaints procedure.

7.2. The Role of the Clerk

7.2.1. Any panel or group of Governors considering complaints will be clerked. The clerk would be the contact point for the complainant and be required to:
• 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.
• 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.

7.3. **The Role of the Chair of the Governing Body or the Nominated Governor**

7.3.1. The nominated Governor role:

• Check that the correct procedure has been followed.
• If a hearing is appropriate, notify the clerk to arrange the panel.

7.4. **The Role of the Chair of the Panel**

7.4.1. The Chair of the Panel has a key role, ensuring that:

• The remit of the panel is explained to the parties and each party has the opportunity to put their case forward 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.

8. **Unacceptable behaviour**

8.1. On very rare occasions, complaints are made that are vexatious, in that an individual persists unreasonably with his/her complaints, or makes complaints in order to cause difficulties for the Academy rather than genuinely to resolve a concern.
8.2. Such vexatious behaviour disrupts and inhibits the ability of the Academy to consider the complaint and meet the needs of its students on an equal basis.
8.3. Where the Headteacher judges a complaint to be unreasonable or vexatious, he/she should first request, in writing, for the complainant to desist from such behaviour.
8.4. The Headteacher should seek advice from the Governing Body where the behaviour continues. Formal action, for example the issuance of a restraining
order, may be taken to restrict the contact between the complainant and the Academy.

8.5. Where a complainant seeks to reopen a matter the same as, or similar to, a matter previously considered under the procedure, the Academy has the right to inform the complainant that the matter has been exhausted and is now closed.

9. Training

9.1. Staff members with responsibility for managing the Academy’s complaints process will, where necessary, be provided with the necessary training on this policy and procedures document.

10. Publication

10.1. This policy and procedures will be published on the Academy’s website and made available, on request, from the Academy.

11. Review

11.1. This policy and procedures will be reviewed on an annual basis in accordance with the Academy’s review process.

Appendix 1

Beacon Academy Complaints Form
Please complete and return to ………………………… class teacher/ student support manager/ Headteacher’s PA who will acknowledge receipt and explain what action will be taken.

Your name:

Student’s name:

Your relationship to the Student:

Address:

Postcode:
Day time telephone number:
Evening telephone number:

Please give details of your complaint.

What action, if any, have you already taken to try and resolve your complaint. (Who did you speak to and what was the response)?

What actions do you feel might resolve the problem at this stage?
Are you attaching any paperwork? If so, please give details.

Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date:

Appendix 2

Beacon Academy Complaints Form
If you have tried unsuccessfully to resolve your complaint and wish to take the matter further, please complete this form and send it to the Headteacher. (If your complaint is against the Headteacher you will need to send the form to the Chair of the Governing Body c/o the Clerk to the Governors).

Name:  
Address:

Tel. No/Mobile:  
Postcode:

Email:

Name of child:

Date of Birth of child:

What is your complaint about and what would you like the Headteacher to do?

When did you discuss your concern/complaint with the appropriate member of staff?

What was the result of the discussion?

Signed:  
Date:

Appendix 3

Stage 2 Example Acknowledgement letter
An example of a letter that the Chair of the Governing Body may wish to send to the complainant upon receipt of a complaint at Stage 2 for consideration by the Governing Body.

Dear Name

Thank you for your letter dated .......... setting out the reasons why you are not satisfied with the Headteacher’s response to your complaint about ..........

I write to let you know that I will be arranging for a Complaints Appeal Panel (CAP) to consider your complaint in accordance with our Academy’s complaints procedure.

As explained in the procedure, the Clerk/Chair of the CAP will let you know in writing how the CAP intends to consider your complaint.

(or in the case of complaints against the Headteacher)

I have received your complaint against the Headteacher of .......... Academy.

I write to let you know that I have forwarded a copy of your complaint to the Headteacher with a request that s/he respond within 10 school days to the issues raised in the complaint.

A copy of the Headteacher’s response will be sent to you as soon as possible.

If you are not satisfied with the Headteacher’s response, I will arrange for a Complaints Appeal Panel to consider your complaint in accordance with Stage 2 of the attached complaints procedure.

As explained in the procedure, the Clerk/Chair of the Complaints Appeal Panel will let you know in writing how the complaint will proceed.

Yours sincerely,

Chair of the Governing Body

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Appendix 4

Checklist for a Panel Hearing
- The panel hearing is as informal as possible.
- Witnesses are only required to attend the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The Headteacher may question both the complainant and the witnesses after each has spoken.
- The Headteacher is then invited to explain the Academy's actions and be followed by the Academy's witnesses.
- The complainant may question both the Headteacher and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The Headteacher is then invited to sum up the Academy's actions and response to the complaint.
- Both parties leave together while the panel decides on the issues.
- The chair explains that both parties will hear from the panel within a set time scale.