

## COMPLAINTS POLICY

**This Policy was adopted by:**

**The Directors of the Primary Academies Trust**

**On 16<sup>th</sup> December 2015**

**Signed by.....**  **.....Chair of Directors**

**Review Date ..... Signed .....**

**Review Date ..... Signed .....**

**Review Date ..... Signed .....**

**Linked Policies:** Managing Unreasonable Behaviour Policy; SEND Policy.

*Note: All content should be read and adjusted according your school profile, with extra attention paid to any yellow highlighted text which you may wish to add, alter or delete.*

## COMPLAINTS POLICY

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## 1. Introduction

- 1.1. All schools within the Primary Academies Trust are happy to receive suggestions and to discuss concerns about the school. This helps identify areas for improvement and ensure concerns are addressed fairly, promptly and efficiently.
- 1.2. The procedures outlined in this Policy are applicable also to people who are not parents of attending pupils.
- 1.3. At each stage of the process, the person investigating the concern or complaint will make sure that they:
  - establish **what** has happened so far, and **who** has been involved;
  - clarifies the nature of the concern or complaint and what remains unresolved;
  - meets with the complainant or contacts them (if unsure or further information is necessary);
  - clarifies what the complainant feels would put things right;
  - interviews those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
  - conducts the interview with an open mind and is prepared to persist in the questioning;
  - keep notes of the interview.
- 1.4. Complainants should note the terms of the school's Unacceptable Behaviour Policy which clarifies what behaviour from complainants will be considered unacceptable and the action that will be taken if a complainant behaves unacceptably.

## **2. Stage 1 – Concerns (Informal stage)**

- 2.1. We encourage parents/carers to share any concerns they have with their child's teacher as their first point of contact, or the school office if it is a community concern. Parents/carers are also welcome to discuss their concerns with the Head of School / Executive Headteacher if they feel it is more appropriate, or they are unhappy with the outcome of their discussion with their child's teacher or the school office.
- 2.2. Any concerns should be raised as soon as possible so they can be resolved promptly.
- 2.3. Where a concern is brought to the school's attention, it can often be resolved with a single conversation. Sometimes an issue is more complex and will take more than one discussion to resolve. Occasionally, despite the best efforts of all parties, these discussions do not resolve the concern which then may become a complaint

## **3. Stage 2 – Complaint to the school leadership (Formal stage)**

- 3.1. The Complainant will be asked to confirm the complaint in writing (by email or by post), using the Complaint Form, to the Head of School, the Executive Headteacher if the complaint is about the Head of School or the Chief Executive if the complaint is about the Head of School and Executive Headteacher. The complaint will be acknowledged in writing, normally within five school days. The Head of School / Executive Headteacher or CEO will copy relevant papers to any member(s) of staff named in the complaint.
- 3.2. Complaints will be investigated as soon as possible after they have been received. The Head of School, Executive Headteacher or CEO (as appropriate) will discuss the result of the investigation of the Complaint with the Complainant as soon as practical, and normally within no more than 20 school days.
- 3.3. Complaints should be raised as soon as possible after the Complainant feels concerns have not been addressed satisfactorily.
- 3.4. The school will keep a written record of all complaints, and of whether they are resolved at stage 2 or proceed to a panel hearing. Correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under section 162A of the 2002 Act requests access to them.

#### **4. Stage 3 – Complaint to the CEO (Hearing stage)**

- 4.1. This can be made only if the complainant has:
  - sought to resolve the concern through stages 1 and 2.
  - allowed reasonable time (normally no more than twenty school days) for the investigation of the complaint.
  - accepted any reasonable offer by the school to discuss the result of the investigation of the complaint.
  - taken part in any process of mediation offered by the school.
  - put the complaint clearly in writing, using the Complaints Form (normally within two months of the event).
- 4.2. The Complainant should write to the CEO requesting a meeting of the Complaints Panel. Enclosed with the letter should be a copy of the initial Complaint Form and indicating which matters remain unresolved. No new complaint may be included.
- 4.3. The CEO will immediately contact the Company Secretary of the Trust to ensure a Complaints Panel is set. The Company Secretary will immediately send the text of the formal complaint to the Head of School / Executive Headteacher. The Head of School / Executive Headteacher may have up to ten school days from receipt of this notification to submit a response to the Company Secretary. The Complaints Panel meeting will be arranged as soon as possible and no later than twenty school days after receipt of the complainant's request for a formal meeting. If there is difficulty agreeing a date, the Chair of the Complaints Panel will make the final decision.
- 4.4. The CEO will liaise with the Board of Directors to set up a Complaints Panel to deal with the complaint. The Complaints Panel's responsibility is to hear and decide about formal complaints which have not been resolved at the earlier stages.
- 4.5. The Complaints Panel will consist of three people who have not previously been involved in dealing with the complaint. One member of the panel will be independent from the leadership and running of the school where the complaint was made. The Chair of the panel will be named. The Head of School or Executive Headteacher should not be a member of the panel.
- 4.6. Any documents from either the Complainant, the Head of School or Executive Headteacher are to be considered by the Complaints Panel and the names of any witnesses or friends who might attend, must be received by the Company Secretary at least seven school days before the meeting. Copies of all papers submitted plus the agenda will be sent to the Complaints Panel Members, Complainant, Head of School or Executive Headteacher and CEO at least five school days before the meeting date. The Head of School or Executive Headteacher will copy relevant papers to any members of staff named in the Complaint.

- 4.7. The Complainant may bring a friend, interpreter or advocate to the meeting.
- 4.8. If teachers or other members of staff are asked by the Head of School / Executive Headteacher to be present at a Complaints Panel meeting, they have a right to bring a friend or professional representative.
- 4.9. It is not appropriate for a child/pupil to attend, unless they are bringing the complaint on their own behalf being over the age of eighteen.
- 4.10. The Complaints Panel will consider the complaint on the basis of the papers they receive and what is said at the meeting. In the event of either party not attending the meeting, the Panel Chair has discretion to proceed or adjourn at any stage.
- 4.11. The Panel Chair controls the meeting and will aim to complete all the business at a reasonable hour without the need to adjourn to another day. It is important that all participants help by being clear about the points they wish to make, by keeping to the point, and by being courteous throughout. The Company Secretary should take full minutes which must be confidential under 'Part 2' procedure.
- 4.12. The Complaints Panel can:
  - uphold the complaint in full or in part and make recommendations to the CEO and/or School Leadership for action; or
  - decide to recommend no action to be taken and give reasons for the decision.
- 4.13. Having come to a decision about the complaint, the Complaints Panel may additionally refer issues of principle or general practice to another forum, such as the CEO, Board of Directors or to an individual such as the Head of School / Executive Headteacher.
- 4.14. The Company Secretary will send the Complainant, Head of School / Executive Headteacher, any member(s) of staff named in the complaint and CEO a letter with the outcome of the meeting within seven days of the meeting.
- 4.15. The Trust will keep a record of all formal complaints made and what action was taken. These records will be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.
- 4.16. No further appeal to the CEO is available in the matter of the complaint. In respect of a grievance arising from a member of staff this will be heard separately under existing grievance procedures.

## **5. Stage 4 – Complaint to the Education Funding Agency (EFA)**

- 5.1. This can be made only if the complainant has sought to resolve the concern through stages 1, 2 and 3.

- 5.2. The EFA will not investigate complaints about:
- examination results or curriculum content where a more appropriate form of redress would be the examining body or Ofqual;
  - child or young person's Statement of Special Educational Need where there is another route of appeal, for example the First-Tier Tribunal (Special Educational Needs and Disability) Service formerly the Special Educational Needs and Disability Tribunal (SENDIST): <http://www.justice.gov.uk/tribunals/send>;
  - matters that are the subject of legal action.
- 5.3. The EFA will not usually investigate complaints more than twelve months after the decision or action was taken unless the complainant has good reason for the delay in making the complaint.
- 5.4. The EFA reserves the right not to investigate complaints considered to be vexatious or malicious or where it is satisfied with the action that the school has already taken or proposes to take to resolve the complaint.
- 5.5. The EFA will investigate complaints about:
- undue delay or non-compliance with an Academy's own complaints procedure;
  - allegations that the Academy has failed to comply with a duty imposed on it under its Funding Agreement with the Secretary of State;
  - allegations that the Academy has failed to comply with any other legal obligation placed on it, except in cases where there is another body or organisation that is, in the view of the EFA, better placed to consider and, if necessary, take further action in connection with the issue (including, but not limited to, a Court of law or other Tribunal of competent jurisdiction, local authorities or other regulatory bodies).
- 5.6. Complaints to the EFA should be sent:
- By email, to: [academyquestions@efa.education.gov.uk](mailto:academyquestions@efa.education.gov.uk) or
  - By post, to: Academies Central Unit (Academy Complaints), Education Funding Agency, Earlsdon Park, 53-55 Butts Road, Coventry, CV1 3BH
  - Telephone: 0370 000 2288 (ask for the EFA Academies Central Unit)
- 5.7. Information about the EFA procedure for dealing with complaints about academies is available on the Department for Education website:
- [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/321851/Complain\\_about\\_an\\_academy.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/321851/Complain_about_an_academy.pdf)

## 6. Contact Details

[ ] School

[ Postal address ]

[ Telephone number ]

[ website address ]

**Head of School:** [ *name* ]

**Executive Headteacher:** [ *name & contact details* ]

**Company Secretary – Vanessa Jarrett 01392 256 020**

## COMPLAINTS FORM

Please complete and return to ..... who will acknowledge receipt and explain what action will be taken.

Your name

Pupil's name

Your relationship to the pupil

Address:

Postcode:

Daytime 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 whom***

***Complaint referred to:***

***Date:***

