



Grace Academy

Complaints Policy

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Background

1. This policy is one of a comprehensive and mutually supportive suite of policies created specifically for Grace Academy.
2. The main aim of this policy document is to detail the procedures to be followed in respect of **general complaints**.
3. There may be occasions when complaints are received from people who are not parents/carers of attending students. In this instance complaints should still follow the same procedure as set out within this policy.

Complaints outside the scope of this policy

There will be a number of complaints which fall within certain categories for which there is a specific and set procedure, which must be followed and for which it is not open to Trustees to determine their own procedures and policies. These are:

- i) complaints about the curriculum;
- ii) complaints about admission to the Academy;
- iii) complaints about failure to assess a child's special educational needs;
- iv) the exclusion of students from an Academy;
- v) child protection.

This complaints procedure has three stages:

1. Initial Approach
2. Formal Complaint to Principal or Chair of Governors
3. Appeal to Governor Committee

Stage 1 - INITIAL APPROACH

It is important that parents contact the Academy first with their concerns and talk to a teacher or the Principal. Most issues can be addressed easily and informally in this way. Confidentiality should be respected at all times.

Parents should have an opportunity for informal discussion of their concerns with an appropriate member of staff. This discussion should aim to clarify the nature of the parent's concern and assure them that the school wishes to hear about it. The discussion should also aim to clarify what kind of outcome the parent is seeking.

If the member of staff first contacted cannot deal with the matter immediately, he/she should make a firm arrangement to deal with it at a future date or refer the matter to another appropriate member of staff or the Principal. In either case a note of the name, date and contact details of the complainant should be taken.

If the concern relates to the Principal and the parent feels unable to raise it with the Principal they should contact the Chair of Governors.

If a member of the public feels that a public-facing authority worker has insufficient proficiency in spoken English for the performance of their role they have the right to complain to the Principal. The complaint will be followed in line with the three stages as outlined in this policy. However the Academy will not respond to

complaints relating to a staff member’s accent, dialect, origin, nationality, or complaints that are otherwise vexatious or abusive.

The staff member/Principal dealing with the complaint should make sure that the complainant is clear about what will happen next (if anything). This should be put in writing if it seems the best way of making the next steps or outcome clear. If no satisfactory solution has been found, the complainant should proceed to Stage Two if they wish to take their complaint further.

Stage 2 - FORMAL COMPLAINT TO PRINCIPAL OR CHAIR OF GOVERNORS

1. Parents who wish to pursue a formal complaint at Stage Two should put the complaint and their desired outcome in writing to the Principal (or the Chair of Governors if the complaint is about the Principal). The Chair of Governors/Principal (or nominated member of staff) should acknowledge the complaint orally or in writing within three days of receipt giving a brief explanation of the complaints procedures and a target date for providing a response. Ideally, this should be within ten working days. If it is not possible to deal with the matter in this time, the complainant should be informed of when it is likely to be concluded.
2. The Chair of Governors/Principal (or a designated member of staff) may offer an opportunity for the complainant to meet him/her at the Academy premises. The complainant should, if he/she wishes, be allowed to be accompanied by a friend or relative who can speak on his/her behalf.
3. If necessary, the Chair of Governors/Principal (or a designated member of staff) should interview any witnesses and take statements from those involved. If the complaint centres around a student, the student should also be interviewed, normally with a parent/guardian present. In some circumstances this may not be possible or appropriate and a senior member of staff with whom the student feels comfortable should attend with him/her. If a member of staff is complained against, their needs should be borne in mind.
4. The Chair of Governors/Principal (or designated member of staff) should keep written records of meetings, telephone conversations and other documentation.
5. Once all the relevant facts have been established, the Chair of Governors/Principal (or designated member of staff) should either write to the complainant or arrange a meeting at the Academy to discuss or resolve the matter. This meeting should be followed up with a letter summarising the outcome of the meeting. The complainant should be advised in this letter that if they remain unhappy with the outcome, he/she may appeal to a panel of governors. The complainant should notify the Chair of Governors within two weeks of receiving the letter detailing the outcome of the complaint if they wish to appeal.

Stage 3 – APPEAL TO PANEL OF GOVERNORS

Complaints only rarely reach the appeal stage, but it is important that governing bodies are prepared to deal with them. At this stage, the Chair of Governors may wish to seek external advice.

The aim of the appeal to a panel of governors is to resolve the complaint and achieve a reconciliation between the Academy and the complainant. However, it may only be possible to establish the facts of a situation and make recommendations about future action, and to satisfy the complainant that their complaint has been taken seriously.

It is important should a complaint reach the appeal stage that the governing body is impartial and independent and is seen to be so. Individual complaints should not be considered by the full governing body.

Panel members should have had no prior involvement with the complaint. Generally, the Chair of Governors is not on the panel as he/she was involved at the earlier stage although the panel may be advised by an external personnel or legal provider.

Individual governors should not be involved in looking into complaints before this stage to avoid prejudicing their potential involvement. If individual governors are approached by parents or others with complaints, they should refer the complainant to the Academy's complaints procedure, making the necessary introduction to a member of staff or Principal, if appropriate.

Complaints that reach the appeal stage will do so because the complainant is not satisfied with the response so far. In this situation it is perhaps helpful for the panel of governors to view any complaint as being against the Academy rather than an individual staff member whose actions may have led to the original complaint.

Upon receipt of a written request from the complainant for the complaint to proceed to Stage Three, the following procedure should be followed:

1. The Clerk to the Governors should write acknowledging receipt of the written request, informing the complainant that it will be heard by a panel of the governing body within 15 working days of receipt.
2. The Clerk should convene a panel of governors at a time which is convenient for the complainant and the Principal and this will take place on the Academy premises. This will generally be in the late afternoon or early evening. An independent person not connected with the management or running of the Academy will be one of the appointed members of the panel. The Chair will give consideration to any conflict of interest.
3. The Clerk should ensure that the complainant, Principal and any other witnesses are given at least five working days' notice in writing of the date, time and place of the hearing or otherwise are in full agreement of a shorter timescale. The letter of notification to the complainant should also inform him/her of their right to be accompanied by a friend/relative who can act as an advocate. The Chair should ensure that interpretation facilities are offered and made available if required. The letter should set out the procedure for the conduct of the hearing (see annex 1) and the complainant's right to submit further written evidence to the committee.
4. The Clerk should invite the Principal to attend the hearing and to submit a written report for the panel in response to the complaint. The Principal may also invite the Chair of Governors or any other members of staff directly involved in matters raised by the complainant to respond in writing and/or in person to the complaint. Any involvement of other staff should be at the discretion of the Chair of the panel.
5. All relevant documents should be received by all parties, (including the complainant) at least five days before the meeting of the panel. This provides adequate opportunity to read them prior to the start of the meeting.
6. A personnel or legal advisor may be invited to attend the meeting to advise the panel.
7. The panel should elect a Chairperson who should ensure that proper minutes of the meeting are taken.
8. The Chair of the panel should try to ensure that the proceedings are sufficiently informal as possible and that the complainant and other participants feel at ease.
9. At the conclusion of the representations and questions, the Chair should explain that the panel will consider the issues and write to both parties with their decision or judgement within 5 working days.
10. All except for the governor's panel and any advisers should then withdraw and the panel should consider the evidence. This should include: a judgement about the validity of the complaint; appropriate action to be taken by the Academy and/or the parent and where appropriate, recommendations on changes to the Academy's systems or procedures to ensure similar problems do not arise in the future.

11. The Academy should ensure that a copy of all correspondence and notes is kept confidentially on file in the Academy. This should be separate from students' personal records.

12. The broad outcomes recommended by the panel can be reported to the next full governing body or appropriate committee with the identity of all those taking part kept confidential. The governing body should monitor implementation of any recommendations made.

The Role of Ofsted

Where there are general concerns that affects the whole Academy, parents and carers can contact Ofsted. Whilst Ofsted will not investigate complaints about an individual child, they may choose to look into any matters drawn to their attention such as:

- The quality of education provision
- The safety or well-being of children attending the Academy.

Ofsted would normally expect parents and carers to pursue complaints through the Academy's complaints procedure before contacting them. Should parents or carers wish to draw their concerns to the attention of Ofsted they should contact:

enquiries@ofsted.gov.uk

Tel: 0300 1234 234

Email: enquiries@ofsted.gov.uk

Education Funding Agency

You can complain to the Education Funding Agency (EFA) if:

- there's a problem with the Academy's complaints procedure
- the Academy is not following the terms of its funding agreement

Details of how to contact the EFA can be found on the www.gov.uk website.

Financial Compensation

If at any stage during the investigation of the complaint it becomes apparent that the complainant is seeking some form of financial compensation, then the investigation should be suspended while advice/comments are sought from the Trust's insurers and legal advisers on how to proceed. If the advice received is to put the complaint in the hands of the insurers or legal advisers the Academy has a duty to write to the complainant and inform them.

ANNEX 1

Procedure for the Conduct of a Stage 3 Governors Panel Hearing

1. The Chair of the panel should invite all parties (except any witnesses) into the room, introduce them and explain the role of each person.
 2. The Chair should explain to all present that the purpose of the hearing is to review the complaint and try to resolve it and achieve a reconciliation between the Academy and the complainant. However, it may only be possible to establish the facts of a situation and make recommendations about future action.
 3. The Chair should then ascertain whether the proposed procedure is acceptable. If so, the meeting will proceed along the following lines:
 - i. The complainant describes his/her complaint and may call witnesses.
 - ii. The Principal may seek clarification from the complainant and any witnesses.
 - iii. The governors' panel or its advisers may seek clarification from the complainant and any witnesses.
 - iv. The Principal will respond to the complaint and may call witnesses.
 - v. The complainant may seek clarification from the Principal and any witnesses.
 - vi. The governors' panel (including any Advisers) may seek clarification from the Principal and any witnesses.
 - vii. The Principal will be given the opportunity to sum up.
 - viii. The complainant will be given the opportunity to sum up.
 - ix. Both parties will leave the room to allow the panel to deliberate but any advisers may remain to offer technical and procedural advice.
 4. The panel should make a decision or judgement on:-

The validity of the complaint; appropriate action to be taken by the Academy and/or parent and where appropriate, recommendations on changes to the Academy's systems or procedures to ensure similar problems do not arise in the future.
 5. The decision or judgement will be confirmed in writing within 5 working days.
- N.B. If there is more than one complainant this procedure should be followed for each one in turn, unless the complainants agree to the complaint being heard with all present in one sitting.

Annex 2 Specific Complaints for which the Academy Trust’s Procedures do not Apply

The following complaints fall within certain categories for which there is specific procedure and timescale. Unless otherwise stated, the duty to consider these complaints rests with the Grace Academy Trust.

1.1. Complaints about the Curriculum

For the Academies created before the Academy Act 2010, they still operate under Section 482 of the Education Act 1996, as amended by Section 65 of the Education Act 2002. Consideration must also be given where the Act has been amended and there has been subsequent prevailing law.

Where an Academy is created after the Academy Act 2010, Section 1 of the Academies Act 2010 requires that the funding agreement for academies created under it must in turn require the Academy to satisfy the following characteristics:

- a) The Academy has a curriculum satisfying the requirements of Section 78 of the Education Act 2002 (a balanced and broadly based curriculum).
- b) Provides education for pupils of different abilities.
- c) The Academy provides education for pupils who are wholly or mainly drawn from the area in which the Academy is situated.

1.2. Complaints about Admission to an Academy

If a place at the parents’/carers’ preferred Academy is not available and parents are not prepared to accept the place offered at another School, then they have the right of appeal. This is set out within the Academy’s Admissions Policy.

1.3. Complaints about Failure to Assess a Child’s Special Educational Needs.

Details relating to complaints regarding special educational needs and disabilities can be found in the Academy’s Special Educational Needs and Equality Policy.

1.4. Exclusion of Students from the Academy

Complaints against the Principal’s decision to exclude a student from the Academy, and the timescales within which these should be heard, are covered by Section 51A of the Education Act 2011 and the Academy’s Behaviour Policy.

1.5. Child Protection

All complaints involving an allegation of child abuse should be referred immediately to the Academy Principal (see also Child Protection Procedures: Safeguarding and Promoting of the Welfare of Children Policy).

Annex 3: The Role of the Grace Academy Trust

- Unless the complaint falls within the specific areas outlined in Annex 1, or unless the complaint is against the actions of the Local Governing Body, the Grace Academy Trust would not be directly involved in investigating the complaint, unless the governors requested this.
- The role of the Grace Academy Trust in dealing with general complaints against any Academy is to support the Local Governing Bodies by ensuring that appropriate personnel and legal advice is available.
- All general complaints received by the Grace Academy Trust will therefore, with the agreement of the complainant, be passed to the Academy for consideration as to how it should be investigated.
- There may be exceptional occasions when the Local Governing Bodies wish the Grace Academy Trust to investigate a complaint on their behalf, or when circumstances warrant an ‘external’ investigation, in order to maintain governors’ impartiality. The Trust will report back to the governors, with recommended action if appropriate.
- Even where the Grace Academy Trust is not asked to investigate a formal complaint, Local Governing Bodies are encouraged to inform the Grace Academy Trust as soon as a formal complaint is made, so that if the complainant at any time contacts the Grace Academy Trust about the same complaint, it will be clear how the matter is being dealt with.