



## Complaints Policy

<b>LAST REVIEW NEXT</b>	October 2017	<b>REVIEW PERIOD</b>	Annually
<b>NEXT REVIEW DATE</b>	October 2018	<b>TYPE OF POLICY</b>	Statutory

## **PURPOSE**

Most concerns raised by parents and carers about school matters are handled by Academy staff without the need for formal procedures. However, not all concerns can be resolved in this way and, under section 29 of the Education Act 2002, Academies must have in place a procedure to deal with complaints relating to the Academy, and any community facilities or services that the Academy provides.

It is an important legal principle that the particular procedure used, and the resolution of each complaint, are the responsibility of the Inspire Academy governing body. The Governing Body must, however, have regard to any guidance issued by the Secretary of State for the Department for Children, Academics and Families (DfE).

## **AIM**

Where complaints are made we will respond promptly, sensitively, courteously and in a helpful manner.

## **RESPONSIBILITIES**

- The Headteacher, in consultation with the Academy Leadership Group and the Board of Governors, will ensure the overall implementation of the main provisions of the complaints policy.
- All staff will follow the relevant Academy and statutory procedures and if appropriate refer a complaint up via the line management structure in order to get a resolution
- The Governing Body has overall responsibility for monitoring the operation of the policy and updating it where appropriate.

## **MONITORING AND EVALUATION**

The Board of Governors will monitor the level of complaints at least annually. The Headteacher will advise the Board of complaints that are not resolved within the Academy.

## **PROCEDURES**

- In cases where a complaint falls within the scope of the Academy's procedures it should be as detailed as possible
- In cases where a complaint falls outside the scope of the Academy's procedure, DfE and local authority statutory provisions will be followed

## **DEFINING A COMPLAINT**

A complaint is an expression of dissatisfaction about the standards of service, actions or the lack of action by the Academy or its staff, affecting an individual student, person or group of students or people.

You may want to complain if you think:

- We have not treated you fairly or politely
- We have not done something we should have done
- We have done something badly

## **HOW WE DEAL WITH A COMPLAINT**

When we receive complaints we will:

- Deal with people courteously and in a sensitive and helpful manner
- Put things right where it is clear that we have not given the service that you have the right to expect
- Analyse complaints so that we can plan for the future by taking your views into account

## **THE STAGES TO FOLLOW**

If you are unhappy with any aspect of the Academy, you should contact the form tutor, head of year or the appropriate senior manager. Let us know that something is wrong and we will try to sort it out straightaway wherever possible.

It is important that the Academy is able to differentiate between a concern and a complaint.

The intention is that any issue is resolved at the earliest opportunity. If this is not successful, there are three stages through which a complaint may pass.

### **Stage One**

If things cannot be resolved, or if you are still unhappy with the way we are handling your concerns, you can make a complaint. It is best if the complaint is made to the teacher/ member of staff you have been dealing with. You can do this by writing a letter or speaking to the member of staff, either face to face or on the telephone.

If a parent wishes to make a complaint after initially dealing with the teacher / member of staff concerned the letter should be addressed to the member of staff's Line Manager. *(Please contact the Academy Reception for the name and job title of the relevant member of staff)*

You should receive a written acknowledgement of your complaint within three working days and a response within ten working days. If your complaint cannot be resolved by then you should get a letter saying why not and giving you a new deadline for a full response.

### **Stage Two**

If you are unhappy with the outcome of stage one you can take the matter further and complain to the Headteacher. Your complaint will be fully investigated and again, we will respond within ten working days.

### **Stage Three**

If you are still unhappy after the stage two investigation, you can complain to the Chair of Board of Governors. Your complaint will be fully reviewed and a response will be sent to you within 15 working days. We will let you know if it is going to take any longer. If the Chair of Board of Governors feels that it would help to resolve the complaint s/he will call a panel of governors together to hear your complaint and decide what actions to take. This hearing will take place within one month of receipt of the complaint, at a time that is mutually convenient.

We hope our complaints procedure will help you to sort out quickly and successfully any problems you may have with the Academy. However, if you do not think we have dealt with your complaint properly you can make a complaint to the Local Government Ombudsman at [www.log.org.uk/Academys/](http://www.log.org.uk/Academys/) or by calling the LGO Advice Team on 0300 061 0614 or 0845 602 1983 (8.30am to 5.00pm, Monday to Friday).

### **STATUTORY COMPLAINTS**

Some complaints come outside the scope of the Academy's own complaints procedure and are shown below. They are matters where there are already specific processes in place and should be referred to the relevant body, person or authority.

#### **Admissions**

The Local Authority and the Special Educational Needs team responsible for maintaining the Educational and Health Care Plan has responsibility for referrals and admissions to Inspire Academy. Any appeals or complaints about the identified Academy placement should be referred to the admissions team.

#### **Child Protection**

The Social Services Department and the police will investigate Child Protection issues. The Academy's prime responsibility is to trigger the appropriate procedure through the Social Services Department and not to attempt to investigate the issues. N.B. The Academy has two designated Child protection officers and they will have responsibility from the Academy perspective to identify and report concerns.

#### **The Curriculum and Religious Worship**

Complaints about the curriculum should initially be considered by the Board of Governors. If the complainant is still not satisfied after this or feels that the Board of Governors has acted 'unreasonably' or failed to discharge a statutory duty in relation to the Academy curriculum or religious worship, the complainant will need to approach the DfE. Guidance has been issued by the DfE.

#### **Exclusions**

The Board of Governors is required to set up exclusion (*we use the term discipline*) committees to consider exclusions. Guidance for procedures has been issued by the DfE.

#### **Special Educational Needs**

Parents / carers and Academy staff will naturally be in close contact about the special educational needs provision for individual children and concerns will normally be resolved between parents/carers and the Academy. Further support may be received from the student's Special Educational Needs Section at the Local Authority. Further guidance is available from the DfE.

#### **Personnel Matters**

Any staff disciplinary or grievance matters for staff should be dealt with under the procedures adopted by the Board of Governors.

### **Stage One: Complaint Heard by Staff Member**

It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the Academy can be crucial in determining whether the complaint will escalate.

The Academy respects the views of the complainant and will support him/her where the difficulty may be with a particular member of staff. In these cases, the complaints coordinator can refer the complainant to another staff member.

Where the complaint concerns the Headteacher, the complaints coordinator should refer the complainant to the chair of governors.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the complaints coordinator may consider referring the complainant to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial.

The complaints coordinator will refer the complainant to the appropriate person and advise him/her about the procedure

### **Stage Two: Complaint Heard by the Headteacher**

The Headteacher may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

### **Stage Three: Complaint Heard by Governing Body's Complaints Appeal Panel**

The complainant needs to write to the Chair of Governors giving details of the complaint. The Chair, or a nominated governor, will convene a GB complaints panel.

The governors' appeal hearing is the last Academy-based stage of the complaints process and is not convened merely to rubber-stamp previous decisions.

### **The 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.

The appeal hearing is independent and impartial. No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. Inspire Academy governors need to ensure that there is a cross-section of the categories of governor and be sensitive to the issues of race, gender and religious affiliation.

The hearing will be held in private and will always be to resolve the complaint and achieve reconciliation between the Academy and the complainant. However, it has to be recognised the complainant might not be satisfied with the outcome if the hearing does not find in his/her 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.

The complainant may 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.

## **Roles and Responsibilities**

### **The Role of the Clerk**

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.

## **The Role of the Chair of the Governing Body or the Nominated Governor**

The nominated governor role:

- check that the correct procedure has been followed;
- if a hearing is appropriate, notify the clerk to arrange the panel;

## **The Role of the Chair of the Panel**

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 present his/her 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.

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

The Chair of the panel needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response within 10 days and details of the right to appeal and the process.

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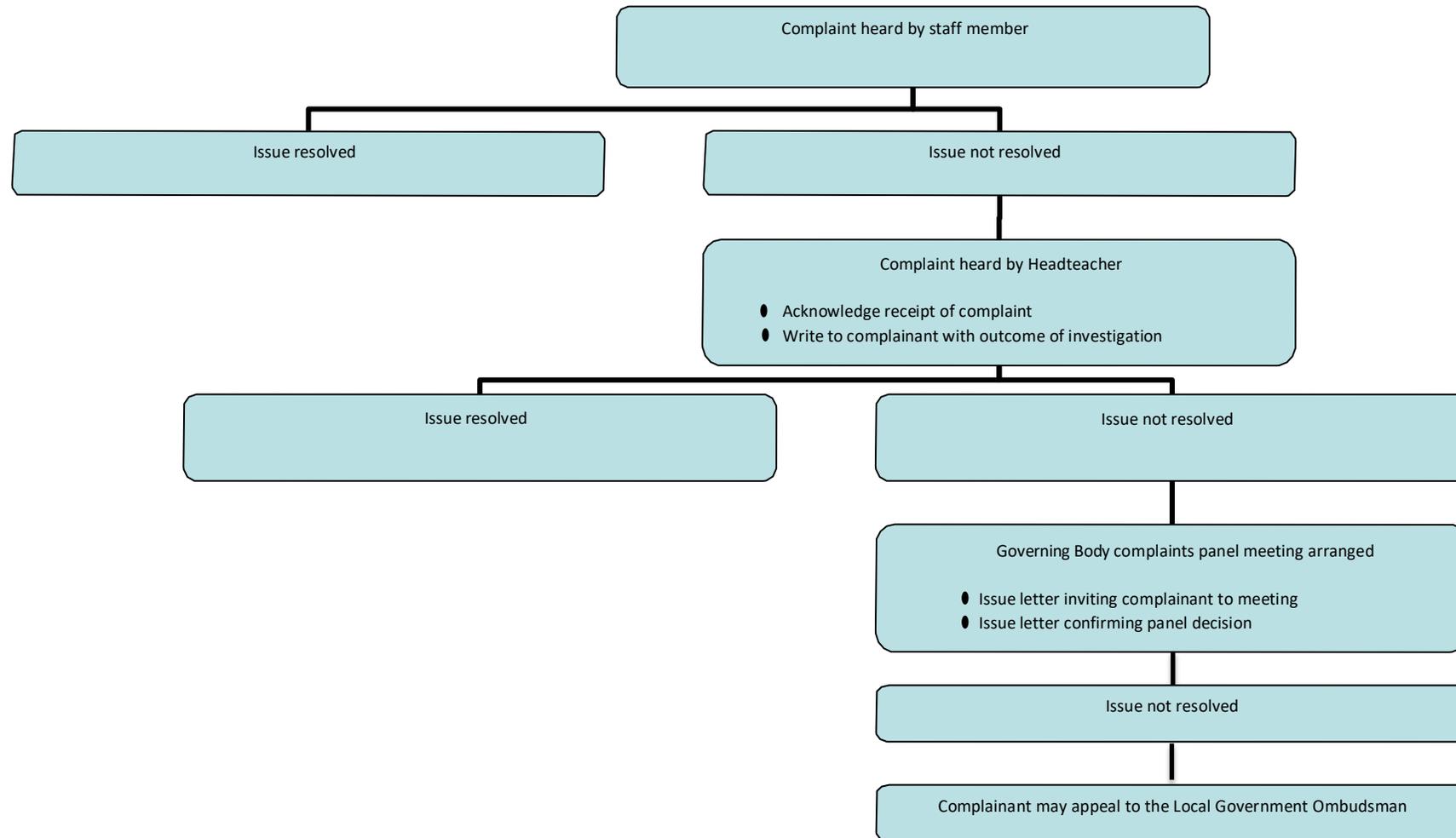
### **Checklist for a Panel Hearing**

- The panel needs to take the following points into account:
- The hearing is as informal as possible
- Witnesses are only required to attend for the part of the hearing in which they give their evidence
- After introductions, the complainant is invited to explain his/her 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 his/her 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

# Academy Complaints Procedure

## Summary of Dealing with Complaints

### Annex C - Flowchart



**Annex D - Example of a complaint form**

**Please complete and return to ..... (Complaints coordinator) who will acknowledge receipt and explain what action will be taken**

**Your name:**

**Student's name:**

**Your relationship to the pupil:**

**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:**