

# **E-ACT POLICY**

## **PARKWOOD ACADEMY**

# **COMPLAINTS PROCEDURES**

<b>Date agreed by Governors</b>	
<b>Date of review</b>	
<b>Responsible officer</b>	<b>Principal / Business Director</b>

## **What to do if you have a complaint**

If you are not satisfied with any aspect of our service then please contact the Academy office on Tel: 0114 2310221 in the first instance explaining your concern. You will then be put in contact with the most relevant member of the senior team to deal with this.

We hope that we will be able to respond to all concerns quickly and in a positive way that leaves you completely satisfied with the outcome. However, if you wish to make a formal complaint you should make your complaint in writing to the Principal. You will then be contacted by telephone and in writing to explain how the complaint is to be dealt with.

If you are not happy with the way that your concern or complaint has been dealt with please write to the Chair of Governors at the Academy.

## **ACADEMY COMPLAINTS PROCEDURE**

### **Introduction**

The Academy Standards and Framework Act 1998, section 39(1) places a duty on all governing bodies to establish a complaints procedure for parents/carers to make complaints about all matters related to the Academy that are not covered under other statutory procedures. In addition, there may be circumstances in which they may complain or appeal if they consider that their rights have been ignored, a wrong decision taken or if their child is not being properly taught.

Complaints are not always easy to define. It is therefore important to keep in mind a distinction between concerns, problems and complaints. They can often arise from the consequences or perceived consequences of resource allocations, operational difficulties, working practices or individual actions.

### **Underlying Principles**

Complainants will be treated seriously and courteously and given the time they require to be heard. It is important to the Academy that the complainants have confidence in these procedures and know that their cases will be impartially investigated.

Complainants will be advised at the earliest possible stage of:

- The scope, if any, for pursuing their complaint and the extent of the procedure for dealing with it
- The way in which the complaint is likely to be handled

Where there are established statutory or other procedures for the dealing with a complaint, these will be followed. These guidelines do not cover those matters already provided for such as:

- Admissions to Academies
- Exclusions
- Special Educational Provision ( SEN Tribunal)
- Academy re-organisation
- Matters concerned with the curriculum
- Serious complaints against staff
- Child Protection issues
- Public examinations

It may be that action under the complaints procedure may lead to action being initiated under other (e.g. statutory) procedures. In these cases the investigations under the complaints procedure will be suspended until action under the procedure (including appeals) has been concluded. The complainant will be advised that alternative action is being taken, but will have to remain confidential until that procedure has been completed. They will also be told the likely delay in the final resolution of their complaint which will result.

### **Definition of a Complaint**

For Academies, a complaint within the terms of the procedures described here, is an expression of dissatisfaction verbally or in writing by parents/carers of children who attend the Academy. All complaints from parents/carers of children who attend the Academy will be investigated as such. After initial investigation of the complaint, a decision might be made to use the discipline, capability (or other appropriate) procedure against a member of staff.

Anonymous complaints would not normally be considered under this procedure.

This procedure outlines the informal and formal stages by which a complaint may be made against the Academy. At all stages the aim of the policy is to reach a mutual understanding of the problems so that improvements can be made where necessary.

**Where agreement cannot be reached, the aim of the procedure is to ensure that all parties are treated fairly.**

**Conciliation between Academy and the parents/carers can be considered at any time, within the informal or formal stages.**

## **1. The First Stage Dealing with Concerns and Complaints Informally**

### **1.1 Guidelines**

- 1.1.1 It is hoped that all complaints and concerns are resolved as early and informally as possible. Parents/carers need not only to be listened to but also to feel that they have been listened to.
- 1.1.2 The vast majority of concerns and complaints can be resolved informally. There are many occasions where concerns are resolved straightaway through the class teacher, Academy secretary or Principal, depending on whom the parents first approach. Parents must feel able to raise concerns with members of staff without any formality, either in person, by telephone or in writing. On occasions it may be appropriate for someone to act on behalf of a parent. At first it may be unclear whether a parent is asking a question or expressing an opinion rather than making a complaint. A parent/carers may want a preliminary discussion about an issue to help decide whether he or she wishes to take it further.

### **1.2 Procedures**

- 1.2.1 Parents/carers will be given an opportunity to discuss their concern with the appropriate member of staff who will clarify with the nature of the concern and reassure them that the Academy wants to hear about it. The member of staff may explain to the parents/carers how the situation arose. It may be helpful to identify at this point what sort of outcome the parent/carers is looking for.
- 1.2.2 The member of staff will need to respond appropriately, taking into account the seriousness of the complaint. Hopefully the appropriate member of staff can resolve the matter immediately.
- 1.2.3 If the member of staff first contacted cannot deal immediately with the matter, they will make a clear note of the date, the name, and contact address or phone number of the complainant. The Principal will be given a copy.
- 1.2.4 Where the concern relates to the Principal, the parent should be advised to contact the Chair of Governors.
- 1.2.5 The member of staff dealing with the concern or complaint will make sure that the parent/carers is clear what action (if any) or monitoring of the situation has been agreed, putting this in writing if this seems the best way of making things clear.
- 1.2.6 Where no satisfactory solution has been found within 10 Academy working days, parents/carers should be given clear information, both orally and in writing,

about how to proceed with their complaint and about any independent advice available to them.

## **2. The Second Stage** **Referral to the Principal for Formal Investigation**

### **2.1 Guidelines**

2.1 By now it will have become clear that the concern is a definite complaint. In some cases the Principal will already have been involved in looking at the matter; in others it will be their first involvement. In either case, it will be helpful for the Principal (or member of staff designated to investigate) to use these guidelines to ensure consistency among cases, and to make sure that nothing happens at this stage which could make it difficult for later stages to proceed smoothly.

2.1.2 As Principals have responsibility for the day-to-day running of their Academies, they have responsibility for the implementation of a complaints system, including the decisions about their own involvement at the various stages. One of the reasons for having the various 'stages' in a complaints procedure is to reassure complainants that more than one person is hearing their complaint.

2.1.3 Principals will make arrangements to ensure that their involvement will not predominate at every stage of a particular complaint. For example, arrangements may be made for other staff to deal with parents/carers concerns at Stage 1, while the Principal deals with contacts with parents/carers at Stage 2. Even at that stage the Principal may designate another member of staff to collect some of the information from the various parties involved.

### **2.2 Procedures**

2.2.1 Complaints should normally be in a written format. In exceptional cases the Academy will consider progressing an oral complaint where there are sufficient grounds to do so. The Principal (or designated member of staff) will acknowledge the complaint orally or in writing within three working days of receiving the written complaint.

2.2.2 Academies should be sensitive to the needs of the parent/carer who may have literacy difficulties or for whom English is not their first language.

2.2.3 The acknowledgement will give a brief explanation of the Academy's complaints procedure and a target date for providing a response to the complaint. This will normally be within 10 Academy working days; if this proves unworkable, a letter will be sent explaining the reason for the delay and giving a revised target date.

- 2.2.4 It may be possible even at this stage to reach an agreed solution to the problem. E-ACT Human Resources may be able to suggest a mediation format to discuss the complaint in private without invoking formal procedures. The aim here is to progress the matter for the good of the child, their parents/carers and the Academy. Prolonging a complaint longer than is necessary may be harmful to any or all parties involved. Such a route would be seen as an attempt to resolve the complaint informally and would not compromise the complainant's right to move to more formal procedures at any time.
- 2.2.5 The Principal will provide an opportunity for the complainant to meet him or her to supplement any information provided previously. It will be made clear to the complainant that if they wish, they may be accompanied to any meeting by a friend, relative, representative or advocate who can speak on their behalf; and that interpreting facilities are available if needed.
- 2.2.6 If necessary, the Principal will interview witnesses and take statements from those involved. If the complaint centres on a pupil, the pupil should also be interviewed. In some circumstances, another member of staff with whom the pupil feels comfortable will be asked to attend. In certain circumstances and taking into account the nature of the complaint, it may be appropriate to invite a parent/carer to be present when the Principal interviews a pupil. The Principal will keep written records of meetings, telephone conversations and other contacts.
- 2.2.7 Once all the relevant facts have been established, the Principal will then produce a written response to the complainant, and/or may wish to meet the complainant to discuss/resolve the matter directly. A written response will include a full explanation of the decision and the reasons for it. Where appropriate, this will include what action the Academy will take to resolve the complaint. If any action is to be taken against a member of staff, to protect the rights of the staff concerned, the phrase '**Appropriate action has or will be taken**' should be used.
- 2.2.8 The complainant will be advised that should they wish to take the complaint further they should notify the Chair of the Governing Body within 10 Academy working days of receiving the outcome letter. Normally, the Chair will arrange that a Governors Complaints Committee should investigate on the parents/carers behalf, and would also chair the Governors Complaints Committee unless a chair of that Committee has already been designated by the governing body.
- 2.2.9 Where the complaint is against the Principal, arrangements should be made for the initial investigation to be conducted by a single Governor (usually the Chair

of Governors, or Vice Chair of Governors), or a suitably constituted Governors Complaints Committee who will carry out all the Stage 2 procedures.

### **3. The Third Stage**

#### **Appeal to the Chair of Governors or Governing Body      Complaints Committee**

#### **3.1 Guidelines**

*Complaints only rarely reach this formal level. It is important that this appeal should not only be independent and impartial on behalf of the governing body, but that it is seen to be so. As such the appeal should be dealt with by governors who have had no prior knowledge or involvement in the case.*

- 3.1.1 As this may be the last chance for a solution or compromise to be reached, every effort should be made to **mediate** and **conciliate**. Parents/carers may particularly wish to seek advice from the Advice & Conciliation Officer at this stage if they have not previously made contact.
- 3.1.2 Complaint appeals should normally be in a written format. In exceptional cases the Academy will consider progressing an oral complaint appeal where there are sufficient grounds to do so. This complaint should state clearly why the complainant feels their case has not been dealt with and should be based on evidence or supported by witness statements.
- 3.1.3 All complaints which reach this stage will have done so because the complainant has not been satisfied by the Principal's response at the earlier stage of the procedure or the original investigation by the Chair of Governors, Vice Chair of Governors or Governors Complaints Committee if the complaint had been about the Principal.
- 3.1.4 In the unlikely event of pupils needing to be interviewed, extreme care will need to be taken. A single governor should interview the child, after gaining parental permission. The parent should be invited to attend but if they are unable, parents/carers could nominate a member of staff to accompany the child.

## 3.2 Procedures

3.2.1 Upon receipt of a written request by the complainant for the complaint to proceed to Stage 3, the procedures outlined below will be followed:

- i) The Chair of the Governing Body will write to the complainant to acknowledge receipt of the written request
- ii) The acknowledgement will inform the complainant that the complaint will be investigated by the Chair of Governors or three members of the Academy's Governing Body Complaints Committee, as appropriate, within 20 Academy working days of receiving the request
- iii) The letter will also explain that the complainant has the right to submit any further documents relevant to the complaint
- iv) Documents must be received in time for them to be sent to the three members of the Committee, if the Chair of Governors is not conducting the investigation on their own.

3.2.2 If the investigation is being conducted by a Governors Complaints Committee, the Chair of Governors will convene a Committee elected from the members of the Governing Body. The Committee members will be governors who have had no prior involvement with the complaint. Generally it is not appropriate for the Principal or staff to have a place on the Committee. Governors will want to bear in mind the advantages of having a parent/carer (who is also a governor) on the Governors Complaints Committee.

Governors will also want to be sensitive to issues of race, gender and religious affiliation.

The make-up of the Committee should, if possible, reflect the three categories of E-ACT, Parent/Carer and Co-opted governors.

3.2.3 The Chair/Vice Chair will ensure that the Committee hears the complaint within 20 Academy working days of receiving the request. All relevant correspondence regarding the complaint will be given to each Governors Complaints Committee member as soon as the composition of the Committee is confirmed.

3.2.4 The Chair/Vice-Chair will write and inform the complainant, Principal, any relevant witnesses and members of the Governors Complaints Committee at least ten Academy working days in advance, of the date, time and place of the meeting. The details of the complaint available at that time should also be sent in writing to the Principal.

3.2.5 The notification to the complainant should also inform him/her of the right to be accompanied to the meeting by a friend/advocate/interpreter. The letter will

also explain how the meeting will be conducted and the complainant's right to submit further written evidence to the Committee, at least five Academy working days in advance of the meeting. The Chair/Vice Chair of the Governing Body will invite the Principal, to attend the Governors Complaints Committee meeting and prepare a written report for the Committee in response to the complaint.

- 3.2.6 The Principal may also invite members of staff directly involved in matters raised by the complainant to respond in writing or at the discretion of the Chair to attend the meeting. All concerned, including the complainant, will receive any relevant documents including the Principal's report, at least five Academy working days prior to the meeting.
- 3.2.7 It is the responsibility of the Chair of the Committee to ensure that the meeting is properly minuted.
- 3.2.8 The aim of the meeting will be to resolve the complaint and achieve reconciliation between the Academy and the complainant. However, it has to be recognised that sometimes it may only be possible to establish facts and make recommendations, which will satisfy the complainant that his or her complaint has at least been taken seriously.
- 3.2.9 The Committee should remember that some parents/carers are unused to dealing with groups of people in formal situations and may feel inhibited when speaking to the Committee. It is therefore recommended the Chair of the Committee ensures that the proceedings are as informal as the situation allows.
- 3.2.10 If either party wishes to introduce previously undisclosed evidence or witnesses, it is in the interests of natural justice to adjourn the meeting so that the other side has time to consider and respond to the new evidence.
- 3.2.11 At Stage 3 the complainant and the Principal and any other staff should be interviewed separately, so the Committee can form a clear and unbiased view of the complaint. The interviews, which can be arranged to run consecutively if this is more convenient, should allow –
- The complainant to explain their complaint(s)
  - ☐The Principal to explain the Academy's response
  - ☐☐The Governors Complaints Committee members to have an opportunity to question both the complainant and the Principal
  - ☐☐Any party to have the right to call witnesses (subject to the approval of the Chair) and the Committee having the right to question all the witnesses
  - ☐☐Both parents/carers and Principal and staff to have the right of representation at the interview if they so wish

- 3.2.12 The Chair of the Committee will explain to the complainant and the Principal that the Committee will consider its decision, and a written response will be sent to both parties within 15 Academy working days.
- 3.2.13 The Committee will then consider the complaint and all the evidence presented and
- a) Reach a unanimous, or at least a majority decision on the complaint
  - b) Decide upon the appropriate action to be taken to resolve the complaint
  - c) Where appropriate, suggest recommended changes to the Academy's systems or procedures to ensure that problems of a similar nature do not happen again
- 3.2.14 Recommendations will be reported to the governing body at an appropriate time.
- 3.2.15 A written statement outlining the decision of the Committee must be sent to the complainant and Principal. If any action is to be taken against a member of staff, to protect the rights of the staff concerned, only the phrase '**Appropriate action has or will be taken**' should be used.
- 3.2.16 The governors will ensure that a copy of all correspondence and notes are kept on file in the governor's records. These records should be kept separately from the pupil's personal records.

#### **4. The Fourth Stage**

##### **Referral to the Secretary of State or Local Government Ombudsman**

#### **4.1 The Secretary of State**

Complaints can be taken to the Secretary of State for Education and Employment under Section 496 of the Education Act 1996, on the grounds that a Governing Body is acting or proposing to act unreasonably, or under Section 497 of the same Act, on the grounds that either the Governing Body has failed to discharge its duties under the Act. The Secretary of State may contact the Governing Body for more information in order to consider the complaint.

## 4.2 The Local Government Ombudsman

Complaints about the maladministration of an Academy including the way it operates any general complaint procedure may be made to the Ombudsman.

**However, the Ombudsman does not look at internal Academy management matters** and usually expects that thorough attention has been given to a complaint locally before investigation by the Ombudsman.

**Chart: Stages for Handling Complaints**

