

The Premier Academy



Complaints Policy & Procedure

Introduction

We want all children and their families to be happy with the education we offer and the policies and procedures we follow. Most queries or concerns can usually be resolved satisfactorily in the normal exchanges between home and the Academy. Parents or carers may want to talk to staff about a particular aspect of the Academy which is not a complaint but which is of concern for some reason. However, should a more serious concern be raised, the Academy has adopted a complaints procedure that explains how to complain and what to expect in response.

1 Stages

STAGE 1: The informal, problem-solving stage (usually a meeting or telephone conversation).

STAGE 2: Formal complaint dealt with by a senior member of staff or Chief Executive Officer.

STAGE 3: Formal complaint dealt with by the Chair of Governors.

STAGE 4: Complaint referred to the Governing Body Complaints Appeal Panel (one member of this panel will be independent of the management and running of the Academy).

STAGE 5: Complaint referred to the Education Funding Agency (EFA).

- 1.1 With a procedure that is based on problem solving, it is hoped that the Chief Executive Officer or his delegated staff will be able to deal satisfactorily with most complaints. The Chief Executive Officer or his delegated staff may refer a small number to the Governing Body to be resolved by them.
- 1.2 The purpose of this policy and procedure is to enable complainants to have their concerns taken seriously and to enable staff and governors to deal with complaints in a fair and consistent way.
- 1.3 All complaints will be investigated by an appropriate person. Depending upon the nature of the complaint, this may be a teacher, a senior member of staff or the Chief Executive Officer. If the complaint is against the Chief Executive Officer, the Chair of Governors may investigate.
- 1.4 As part of any investigation, all relevant parties will be given an opportunity to comment.

2 Principles

- 2.1 The procedure should ensure that comments, concerns or complaints are dealt with:
 - fairly, thoroughly and speedily
 - safely - nobody will be victimised as a result of complaining
 - efficiently and helpfully
- 2.2 The remedies which may be applied will include:
 - an apology
 - an explanation
 - an assurance that the same thing will not happen again
 - action taken to put matters right

3 What is a complaint?

- 3.1 A complaint is an expression of dissatisfaction about the standard of teaching or well-being or about the conduct, actions or lack of actions of a member or members of the staff employed at the Academy.
- 3.2 A complaint may be made verbally or in writing. In most cases, problems will be resolved at the informal stage, where a teacher, a senior member of staff or the Chief Executive Officer responds to a concern through discussion. If it is not possible to resolve the issue at this level, the next step is to refer the matter to the Chair of Governors, with the right of appeal to a hearing with a governing body committee.

4 Who can complain?

- 4.1 The complaints procedure is to be used when a complaint is raised by:
 - a parent
 - guardian
 - local resident, or
 - any person within the community who has a genuine interest in the Academy.
- 4.2 The procedure is not intended for use by employees or children of the Academy. Any complaints by an employee about their employment should be dealt with through the grievance procedure. A complaint by a child will normally be dealt with through their parent or carer or through other channels, such as the Academy Student Council.
- 4.3 If a complaint is made about statutory provision in relation to special educational needs, the national curriculum or collective worship, the complainant may appeal to the Secretary of State for Education if s/he is not satisfied with the Academy's response.
- 4.4 Where the complaint relates to the competence or conduct of a member of staff, following an initial investigation, the matter may be dealt with, if appropriate, under the capability or disciplinary procedure for staff.

The Procedure

5 Stage 1 - Informal, problem-solving stage

- 5.1 Many areas of concern can be dealt with quickly and harmoniously through discussion. This procedure encourages early problem solving wherever possible. Parents may be asked to put their complaint in writing.
- 5.2 Any concerns or complaints should be referred initially to the appropriate member of staff. This will depend upon the nature of the concern but would normally be the member of staff involved or responsible for the areas highlighted. For example, Class Teacher, Year or Team Leader, Safeguarding Officer, Head of Academy Management, Head of Academy Education or the Chief Executive Officer.
- 5.3 The person dealing with the matter will make every effort to resolve it and bring about a speedy resolution that is satisfactory to the complainant.
- 5.4 If the complainant is not satisfied with the response from the member of staff, they should take the matter to the Chief Executive Officer or his delegated staff, who will normally be able to resolve the matter and take any necessary actions to put matters

right. If the complainant remains dissatisfied they can move to stage 3 and make a formal written complaint which should be addressed to the Chair of Governors.

6 Stage 2 – Formal complaint heard by a senior member of staff or Chief Executive Officer.

- 6.1 The Chief Executive Officer will identify the appropriate member of staff to handle the complaint at this stage depending on the content of the complaint.
- 6.2 Where the complaint is made to a Governor, it should be referred back to the Chief Executive Officer. Governors should never act unilaterally on an individual complaint outside of the agreed 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.
- 6.3 The member of staff considering the complaint will ensure that acknowledgement will be made within 10 school days of receiving the complaint, as well as providing a broad overview of how the complaint will be pursued. On occasion, it may be possible to address the complaint within this time scale. However, all facts regarding the complaint must be established before any written response is made, or any meeting held to discuss the matter directly. If no written response is deemed necessary, then the meeting must be minuted confirming that all parties are in agreement with this.
- 6.4 The Chief Executive Officer must endorse this report at this stage and the complainant informed that should he/she wish to progress to the third stage of the procedure then he/she should send a written response stating this to the Chief Executive Officer within 10 working days from the date of the response letter. If further communication is not received within this timescale then the matter will be deemed as resolved and closed.
- 6.5 If the complaint is about the Chief Executive Officer or a Governor, then the Chair of Governors or Vice-Chair will consider the complaint at this formal stage.

7 Stage 3 – Formal Complaint heard by Chair of Governors

- 7.1 The Chair of Governors will investigate the matter and the complainant shall, at this stage, be entitled to meet with the Chair of Governors to discuss the complaint, within 5 working days. Both parties may be accompanied by a friend or representative. Following the meeting, the Chair of Governors will reach a decision as to what action, if any, should be taken in response to the complaint.
- 7.2 The Chair of Governors will send a letter giving the decision to the complainant within 10 working days of the meeting. Where for reasons beyond their control (including the nature of the complaint) it is not possible to comply with any set timescale, they will inform the complainant within 5 working days of the date by which they intend to issue the decision letter.
- 7.3 The decision letter shall inform the complainant of their right to appeal to the Governing Body Complaints Appeal committee and shall state the time within which any appeal must be notified, normally within 5 working days of the receipt of the letter.

8 Stage 4 – Complaints Committee Complaint referred to the Governing Body Complaints Appeal Panel (one member of this panel will be independent of the management and running of the Academy).

- 8.1 On receipt of the notice to appeal, the Chair of Governors shall delegate the resolution of the complaint to the Complaints Committee - a panel of governors to deal with the resolution of complaints.
- 8.2 The Complaints Appeal Panel will be made up of 3 members, one of which will be independent of the management and running of the Academy. No person involved should have had previous involvement in the complaint. The meeting should be held in private and minuted. People who are exempt from the Complaints Committee include:
- The Chief Executive Officer
 - The Chair of Governors
 - Any governor who has a family, business, neighbourly or friendship connection with the complainant
- 8.3 The Committee shall appoint a chair and arrange for a clerk to the Committee to be nominated to keep a record of the meeting.
- 8.4 The Academy will arrange a mutually convenient date and time for the meeting and set a timetable for the meeting and arrange for the clerk to the committee to notify the complainant. The clerk will also inform the complainant and the member of staff or the Chief Executive Officer that they may be accompanied by a friend or representative at the meeting.
- 8.5 Both the complainant and the relevant member of staff and the Chief Executive Officer or Chair of Governors or a combination of these will provide the clerk with any documentation to be used at the meeting at least 10 working days before it meets. This will be sent to all parties at least 5 working days before the hearing.
- 8.6 The formal procedure for conducting a Complaints Committee meeting is as follows:
- the chair will make any necessary introductions and explain the procedure to be followed
 - the complainant will outline the details of the complaint and may refer to documents relevant to the hearing
 - the member of staff or the Chief Executive Officer will have the opportunity to ask relevant questions of the complainant
 - the members of the Complaints Committee will have the opportunity to ask relevant questions of the complainant
 - the member of staff or the Chief Executive Officer will respond to the complaint and may refer to documents relevant to the hearing
 - the complainant will have the opportunity to ask relevant questions of the member of staff or the Chief Executive Officer
 - the members of the Complaints Committee will have the opportunity to ask relevant questions of the member of staff or the Chief Executive Officer
 - both parties may sum up if they wish
 - the chair will sum up the differences
 - both parties will then withdraw
 - the Complaints Committee will then consider the information put before them at the hearing and will make a decision as to:
 - whether the complaint should be upheld
 - the reasons for their decision
 - any action to be taken
 - any recommendation they wish to make to the Chief Executive Officer or the Governing Body.

- 8.7 The chair of the Committee will send a letter to the complainant and the member of staff or the Chief Executive Officer within 5 working days, notifying them of the outcome of the hearing. The letter should state:
- details of the complaint
 - the reasons for the decision and/or the recommendation of the Committee
 - any action to be taken by the Chief Executive Officer or the Governing Body or both.
- 8.8 The Committee itself does not have any power to take remedial action. If it reaches a conclusion that an employee may have behaved unprofessionally and that disciplinary action may be appropriate, it can only recommend such action to the Chief Executive Officer or, if the matter relates to the Chief Executive Officer, the Chair of Governors, who will consult with the Academy's Human Resources adviser.
- 8.9 If the Committee wishes to make a recommendation regarding a change to the Academy's policy or procedures, this should be referred to the Governing Body for consideration.
- 8.10 This effectively ends the complaints procedure. There is no appeal beyond The Governing Body Complaints Appeal Panel, although the complainant may proceed to stage 5.

9 Stage 5 – Complaint referred to the Education Funding Agency (EFA).

If a complaint has been through all the stages of the Academy's complaints procedure but the complainant remains dissatisfied, they can ask the Education Funding Agency (EFA) to review the handling of the complaint. Governors expect that the complainant will make the move to this stage within 20 working days after receiving the Complaints Appeal Panel response. If further communication has not been forwarded within this period then the matter will be deemed as resolved and closed.

Further information about referring the handling of a complaint to the EFA can be found at:

The complaints about academies page on the Department for Education website
<http://www.education.gov.uk/aboutdfe/complaintsprocedure/a00208461/academies>

Write to: Academies Central Unit (Academy Complaints), Education Funding Agency, Earlsdon Park, 53-55 Butts Road, Coventry, CV13BH

The Governing Body

December 2015