



COMPLAINTS PROCEDURES POLICY – FEBRUARY 2023

Statement of Intent

The Premier Academy aims to resolve all complaints at the earliest possible stage and is dedicated to continuing to provide the highest quality of education possible throughout the procedure.

This Policy has been created to deal with any complaint against a member of staff or the Academy as a whole, relating to any aspects of the Academy or the provision of facilities or services.

Any person, including a member of the public, is able to make a complaint about the provision of facilities or services that the Academy provides. This Policy outlines the procedures that the Complainant and Academy must follow.

Once a complaint has been made, it can be resolved or withdrawn at any stage.

Legal Framework

This Policy has due regard to statutory legislation, including, but not limited to, the following:

- Freedom of Information Act 2000
- Education Act 2002
- Equality Act 2010
- Part 7 of The Education (Independent School Standards) Regulations 2014
- Immigration Act 2016
- UK General Data Protection Regulation (UK GDPR)
- Data Protection Act 2018
- HM Government (2016) 'Code of Practice on the English language requirement for public sector workers'
- ESFA (2021) 'Best practice guidance for academies complaints procedures'
- ESFA (2022) 'Academy trust handbook 2022'

This Policy will be implemented in accordance with the following Academy policies:

- Admissions Policy
- Child Protection Policy
- Data Protection Policy
- Grievance Policy
- Suspension and Exclusion Policy
- Whistleblowing Policy

Definitions

A "concern" can be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'.

A "complaint" can be defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'. Complaints can be resolved formally, through this procedure, or informally dependent on the Complainant's choice.

Any concern or complaint will be taken seriously, whether formally or informally, and the appropriate procedures will be implemented.

A “grievance” is an issue raised by a member of staff where they feel the Academy has not implemented a policy or process fairly or properly. Any complaints by an employee about their employment will be dealt in line with the Academy’s Grievance Policy.

For the purpose of this Policy, concerns will be classed and addressed as complaints.

For the purpose of this Policy, “unreasonable complaints” include:

- Vexatious complaints:
 - Are obsessive, persistent, harassing, prolific, repetitious.
 - Insist upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason.
 - Insist upon pursuing meritorious complaints in an unreasonable manner.
 - Are designed to cause disruption or annoyance.
 - Demand for redress which lacks any serious purpose or value.
- Serial or persistent complaints:
 - Are duplicated, sent by the same Complainant once the initial complaint has been closed.

Serial or persistent complaints will only be marked as ‘serial’ once the Complainant has completed the complaints procedure. It is the complaint that will be marked as ‘serial’ meaning the Complainant can complain about a separate issue if necessary.

For the purpose of this Policy, “duplicate complaints” are identical complaints received from a Complainant’s spouse, partner, grandparent or child. These complaints will not be addressed again, the individual making the second complaint will be informed that the complaint has been dealt with on a local level and if they are dissatisfied with the result, they can appeal to the DfE.

Any new details provided by a Complainant’s spouse, partner, grandparent or child, will be investigated and dealt with in line with the Complaints Procedure.

Roles and Responsibilities

The Complainant will:

- Cooperate with the Academy in seeking a solution to the complaint.
- Express the complaint and their concerns in full at the earliest possible opportunity.
- Promptly respond to any requests for information or meetings.
- Ask for assistance as needed.
- Treat any person(s) involved in the complaint with respect.

The Complaints Coordinator will:

- Ensure that all parties involved in the complaint are fully updated throughout each stage of the procedure.
- Guarantee that all parties involved in the procedure are aware of any relevant legislation, including the Equality Act 2010, GDPR, Data Protection Act 2018 and Freedom of Information Act 2000.
- Keep up-to-date records throughout the procedure – these records will be kept securely on the Academy’s ICT system and retained in line with the Academy’s Data Protection Policy.
- Liaise with all parties involved to ensure the complaints procedure runs smoothly, including the CEO and Chair of Governors.
- Be aware of issues with regard to sharing third party information.
- Understand the Complainant’s need for additional support, including interpretation support, and will be aware of any issues concerning this.

The Investigator is involved in stages one and two of the procedure.

The Investigator will:

- Provide a sensitive and thorough interviewing process of the Complainant to establish what has happened and who is involved.
- Consider all records, evidence and relevant information provided.
- Interview all parties that are involved in the complaint, including staff and children.
- Analyse all information in a comprehensive and fair manner.
- Liaise with the Complainant and Complaints Coordinator to clarify an appropriate resolution to the problem.
- Identify and recommend solutions and courses of actions to take.
- Be mindful of timescales and ensure all parties involved are aware of these timescales.
- Respond to the Complainant in a clear and understandable manner.

The Panel Chair will:

- Ensure that minutes of the hearings are taken on every occasion.
- Explain the remit of the Panel to the Complainant.
- Ensure that all issues are addressed and that outcomes are reached based on facts and evidence.
- Help to put at ease and console individuals involved who are not used to speaking at such hearings, particularly any children involved.
- Conduct the hearing in an informal manner, ensuring that everyone is treated with respect and courtesy.
- Ensure that the room's layout and setting is informal and non-adversarial, yet still sets the appropriate tone.
- Confirm that no member of the Panel has previously been involved in the earlier stages of the procedure or has an external interest in the outcome of the proceedings.
- Give both the Complainant and the Academy the opportunity to state their case and seek clarity without undue interruption.
- Provide copies of any written material or evidence to everyone in attendance of the meeting, ensuring that everyone has seen the necessary material.
- Organise a short adjournment of the hearing if required.
- Continuously liaise with the Complaints Coordinator to ensure the procedure runs smoothly.
- Help to provide the support necessary where the Complainant is a child.

Panel members will be aware that:

- The review panel hearing is independent and impartial.
- No individual with prior involvement in the complaint, or the circumstances surrounding it, is permitted to sit on the panel.
- The aim of the panel is to achieve a reasonable resolution and, ultimately, attain reconciliation between the parties involved.
- Reconciliation between the Academy and Complainant is not always achievable, and that it may only be possible to establish facts and make recommendations to reassure the Complainant that their case has been taken seriously.

The Panel can:

- Dismiss or uphold the complaint, in whole or in part.
- Decide on appropriate action to be taken.
- Recommend changes that the Academy can make to prevent reoccurrence of the problem.

Complainants may feel nervous or inhibited in a formal setting and, therefore, the proceedings should be as welcoming as possible.

When a child is present at the hearing, extra care needs to be taken to ensure that the child does not feel intimidated, as well as ensuring the child's view is represented equally.

The Panel Clerk will:

- Continuously liaise with the Complaints Coordinator.
- Record the proceedings.
- Set the date, time and venue of all hearings, ensuring that this is appropriate, convenient and accessible to all parties involved.
- Collate all written material or evidence involved and send it to the parties involved in timely advance of the hearing.
- Greet all parties as they arrive at the hearing.
- Ensure that the minutes of the panel hearing are circulated.
- Notify the relevant parties of the panel's decision and any other actions to be taken.

Making A Complaint

A concern or complaint can be made in person, in writing (using the Complaint Form – Appendix A) or by telephone. They may also be made by a third party acting on behalf on a Complainant, as long as they have appropriate consent to do so.

Complaints against Academy staff (except the CEO) should be made in the first instance, to the CEO via the Academy office. Please mark them as Private and Confidential.

Complaints that involve or are about the CEO should be addressed to the Chair of Governors, via the Academy office. Please mark them as Private and Confidential.

Any complaint made against the entire Governing Body, or complaints involving the Chair and the Vice Chair, should be made in writing to the Clerk. The Clerk will then determine the most appropriate course of action, depending on the nature of the complaint. This action may involve sourcing an independent investigator to initially deal with the complaint and then getting the complaint to be heard by co-opted governors from another school.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable Complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting Complainants in raising a formal complaint or holding meetings in accessible locations.

Complaints are expected to be made as soon as possible after an incident arises to amend the issue in an appropriate timescale.

The Academy upholds a three-month time limit in which a complaint can be lodged regarding an incident. Complaints made outside this time limit will not be automatically refused and exceptions will be considered.

In the case of any timescales changing, all parties involved will be informed of the changes in a timely manner.

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

A complaint can progress to the next stage of the procedure even if it is not viewed as "justified".

Under some circumstances, it may be necessary to deviate from the Complaints Procedure. Any deviation will be documented.

Information about a complaint will not be disclosed to a third party without written consent from the Complainant.

We will not normally investigate anonymous complaints. However, the CEO or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

Scope of Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services by The Premier Academy, other than complaints that are dealt with under other statutory procedures, including:

- Admissions
- Matters likely to require a Child Protection Investigation
- Exclusion of children from school
- Whistleblowing
- Staff grievances
- Staff conduct.

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations. If this happens, we will inform the Complainant of a proposed new timescale.

If the Complainant commences legal action against the Academy in relation to their complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

Resolving Complaints

At each stage in the procedure, the Academy aims to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review Academy policies in light of the complaint
- an apology.

Complaint Withdrawal

If the Complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

The Role of the ESFA

If a complainant remains dissatisfied once the complaint procedure has been completed, they have the right to refer their complaint to the Secretary of State. If a complainant wishes to escalate a complaint, the Academy will refer them to the relevant [contact form](#), and prompt them to follow the instructions on this form to submit a complaint to the Secretary of State.

The ESFA will not overturn the Academy or panel's decision about a complaint or re-investigate the original complaint. The ESFA will only intervene following a complaint if it believes the Academy has:

- Breached a clause in its funding agreement.
- Failed to comply with education law or acted unreasonably when exercising related education functions.

When making a final decision about a complaint, the Academy reserves the right to seek advice from the ESFA on whether they are acting reasonably and lawfully; however, they will not be able to advise on how to resolve the complaint.

Monitoring and Review

The Academy's Complaints Procedures Policy will be reviewed annually, or earlier considering the latest guidance issued by the DfE.

Responsibility for reviewing the procedures outlined belongs to the Governing Body.

The next review date is February 2024.

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COMPLAINTS PROCEDURE - STAGES

STAGE 1: Informal (a meeting or telephone conversation with the Complainant).

STAGE 2: Formal (complaint is put in writing and dealt with by a senior member of staff).

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

STAGE 4: Panel Hearing (complaint is referred to the Governing Body Complaints Appeal Panel)

STAGE 5: Complaint referred to the Education and Skills Funding Agency (ESFA).

With a procedure that is based on problem solving, it is hoped that the CEO and / or delegated staff will be able to deal satisfactorily with most complaints. The CEO and / or delegated staff may refer a small number to the Governing Body to be resolved by them.

Stage 1 - Informal, problem-solving stage (initial meeting with Complainant)

Many areas of concern can be dealt with quickly and harmoniously through discussion. This procedure encourages early problem solving wherever possible. The Complainant may be asked to put their complaint in writing.

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 Lead, Assistant Heads of Academy Education, Head of Academy Management, Head of Academy Education or the Chief Executive Officer.

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.

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.

Stage 2 – Formal Complaint (heard by a senior member of staff or CEO)

The CEO will identify the appropriate member of staff to handle the complaint at this stage depending on the content of the complaint.

Where the complaint is made to a Governor, it should be referred back to the CEO. 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.

The member of staff considering the complaint will ensure that acknowledgement will be made within 10 working 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.

The CEO must endorse this report at this stage and the Complainant informed that should he/she wish to progress to Stage 3 of the procedure then he/she should send a written response stating this to the CEO 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.

If the complaint is about the CEO or a Governor, then the Chair of Governors or Vice Chair will consider the complaint at this formal stage.

During the investigation, the Investigator will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish.
- keep a written record of any meetings / interviews in relation to their investigation.

At the conclusion of their investigation, the Investigator will recommend solutions and course of action to take and respond to the Complainant.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the Academy will take to resolve the complaint.

The Investigator will advise the Complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

If the complaint is about the CEO, or a member of the Governing Body (including the Chair or Vice), a suitably skilled governor will be appointed to complete all the actions at Stage 2.

Complaints about the CEO or member of the Governing Body must be made to the Clerk, via the Atrium.

Stage 3 – Formal Complaint (heard by Chair of Governors)

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.

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.

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.

Stage 4 – Panel Hearing

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

On receipt of the notice to appeal, the Chair of Governors shall delegate the resolution of the complaint to the Complaints Panel - a panel of governors to deal with the resolution of complaints.

The Complaints 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 Panel include:

- The Chief Executive Officer
- The Chair of Governors
- Any governor who has a family, business, neighbourly or friendship connection with the complainant

The Panel shall appoint a Chair and arrange for a Clerk to be nominated to keep a record of the meeting.

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 notify the Complainant. The Clerk will also inform the Complainant and the member of staff that they may be accompanied by a friend or representative at the meeting.

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.

The formal procedure for conducting a Complaints Panel Hearing 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 Panel 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 Panel 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 Panel 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.

The Chair of the Panel 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 Panel
- any action to be taken by the Chief Executive Officer or the Governing Body or both.

The Panel 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.

If the Panel 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.

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.

A copy of the panel's findings and recommendations will be made available for inspection on the Academy premises by the Governing Body and the CEO.

Where relevant, the person complained about will receive a summary of the panel's findings and recommendations. They will also receive a copy of the minutes, subject to any necessary redactions under the Data Protection Act 2018 and the UK GDPR.

Stage 5 – Complaint referred to the Education and Skills Funding Agency (ESFA)

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 and Skills Funding Agency (ESFA) 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.

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by The Premier Academy. They will consider whether the Academy has adhered to education legislation and any statutory policies connected with the complaint.

The Complainant can refer their complaint to the ESFA online at:
www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:

Academy Complaints and Customer Insight Unit
Education and Skills Funding Agency
Cheylesmore House
5 Quinton Road
Coventry
CV1 2WT

Appendix A – Complaint Form

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

Your name:
Child's name (if relevant):
Your relationship to the child (if relevant):
Address: Postcode: Day time telephone number: Evening telephone number: Email address:
Please give details of your complaint, including whether you have spoken to anybody at the Academy about it.

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:

Action taken:

Date: