



**The Co-operative Academies Trust**

**Shared Complaints Policy**

**Primary Version**

**September 2014**

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## Introduction

This policy statement sets out the approach of The Co-operative Academies Trust, and the academies within this Trust, to dealing with parental concerns and complaints.

We value good home/academy relations and will, therefore, do everything we can to establish and maintain them. This includes seeking to resolve any concerns or complaints promptly, and to the satisfaction of all concerned.

We welcome feedback on what parents feel we do well, or not so well, as individual academies and as a Trust. We will consider carefully all feedback, whether positive or negative, and will review our policies and practices accordingly.

We will treat all concerns and complaints seriously and courteously and will advise parents and others of the procedures for dealing with their concerns. In return, we expect parents and other complainants to behave respectfully towards all members of the academy's community. In particular, any disagreement with the academy should not be expressed inappropriately or in front of pupils.

All staff, along with members of each school's Governing Body, will receive a copy of this policy statement and will be familiar with the academy's procedures for dealing with parental concerns and complaints, to which they will have access as required.

The policy is available on request to parents.

These procedures will be reviewed regularly and updated as necessary.

Staff and governors will receive training in handling parental concerns and complaints as appropriate. This may be on an individual basis, or as a group activity for all staff, or for specific groups.

Whilst we will seek to resolve concerns and complaints to the satisfaction of all parties, it may not be possible to achieve this in every case. We will, therefore, use our option to close a complaint before all the stages of the Complaints Procedures have been exhausted, if this appears to be appropriate.

The Department for Education and Education Finance Authority advocate resolution of parental concerns and complaints at academy level wherever possible, in the interests of maintaining good home / academy relations.

**Please note** that some complaints might be dealt with in other policies, for example, complaints involving child protection or pupil exclusion.

## The Complaints Procedure

The majority of concerns from parents, carers and others are handled under the following general procedures;

The procedure is divided into three stages;

- **The Informal Stage (Stage 1)** aims to resolve the concern through informal contact at the appropriate level in the academy.
- **Stage Two** is a formal stage at which written complaints are considered by the Headteacher or another senior member of staff if the Headteacher has already been involved in the matter.
- **Stage Three (Formal Resolution)** is the final stage once Stage Two has been worked through. It involves an appeal to a panel including governors and an independent person.
- **External Review** where the Education Finance Authority (EFA) will review and comment upon the way we have dealt with your complaint.

How each of these stages operates is explained below:

### **Informal Stage (Stage 1) – your initial contact with the academy**

1. Many concerns will be dealt with informally when you make them known to us. The first point of contact should be your child's teacher
2. Once your concern is made known to us, we will see you, or contact you by telephone or in writing, as soon as possible. If this becomes necessary, all members of staff know how to refer to the appropriate person with responsibility for your particular issues. He or she will make a clear note of the details and will check later to make sure that the matter has been followed up.
3. Any actions or monitoring of the situation, that has been agreed, will be communicated clearly and we will confirm this in writing to you.
4. If necessary we will contact appropriate people who may be able to assist us with our enquiries into your concern.
5. We will normally update you on the progress of our enquiries within **ten working days**. Once we have responded to your concern, you will have the opportunity of asking for the matter to be considered further.
6. If you are still dissatisfied following this informal approach, your concern will become a formal complaint and we will deal with it at the next stage.

## **Stage Two - formal consideration of your complaint**

This stage in our procedures deals with written complaints. It applies where you are not happy with the informal approach to dealing with your concern, as outlined above.

1. Normally, your written complaint should be addressed to the Headteacher. If, however, your complaint concerns the Headteacher personally, it should be sent to the academy marked, "For the attention of the Chair of Governors".
2. We will acknowledge your complaint in writing as soon as possible after receiving it (within **three working days**) and we will enclose a copy of these procedures with the acknowledgement.
3. The Headteacher will speak to you about your complaint within **ten working days** of receiving it. At that time, the Headteacher might also decide that another senior member of staff is the best person to investigate your complaint and will make sure that you know who that person will be. If the complaint is about the Headteacher, then it will be the Chair of Governors or someone they nominate who will contact you.
4. Normally we would expect to respond in full within **10 working days** of this meeting but if this is not possible we will write to explain the reason for the delay and let you know when we hope to be able to provide a full response.
5. As part of our consideration of your complaint, we may invite you to a meeting to discuss the complaint and fill in any details required. If you wish, you can ask someone to accompany you to help you explain the reasons for your complaint.
6. The Headteacher, or the person investigating your complaint, may also be accompanied by a suitable person if they wish.
7. Following the meeting, the person investigating the complaint may feel that it is necessary to talk to witnesses and take statements from others involved. If the complaint centres on a pupil, we will talk to the pupil concerned and, where appropriate, others who were present at the time of the incident in question.
8. We will normally talk to pupils with a parent or carer present, unless this would delay the investigation of a serious or urgent complaint, or where a pupil has specifically said that he or she would prefer the parent or carer not to be involved. In such circumstances, we will ensure that another member of staff, with whom the pupil feels comfortable, is present.
9. If the complaint is against a member of staff, it will be dealt with under the school's internal confidential procedures, as required by law.
10. The Headteacher or person investigating the complaint will keep written / typed, signed and dated records of all meetings and telephone conversations, and other related documentation.
11. Once all the relevant facts have been established, you will be sent a written response to your complaint. This will give an explanation of the decision and the reasons for it. If follow-up action is needed, we will indicate what we are proposing to do. We may invite you to a meeting to discuss the outcome as part of our commitment to building and maintaining good relations with you.
12. The person investigating your complaint may decide that we have done all we can to resolve the complaint, in which case we may use our discretion to close the complaint at this point. Please see the next page for further information about this process.
13. If you are unhappy with the way in which we reached our conclusions, you may wish to proceed to Stage Three (Appeal), as described below.

### **Stage Three - consideration by a Governors' Appeal Panel**

If the complaint has already been through Stage Two and you are not happy with the outcome as a result of the way in which the complaint has been handled, you can take it further to a Governors' Appeal Panel.

To do this you must write to the Chair of Governors within **ten working days** of the decision from Stage Two.

This is a formal process, and the ultimate recourse at academy level.

The purpose of this arrangement is to give you the chance to present your arguments in front of a panel of two Governors and a person who is independent of the management and running of the academy. All of these people will have no prior knowledge of the details of the case and can, therefore, consider it without prejudice.

However, **the aim of a panel is not to rehear the complaint**. It is there to review how the complaint has been investigated and to determine whether this has been conducted fairly. It is there to establish facts and make recommendations which will reassure you that we have taken the complaint seriously.

The Governors' Appeal Panel operates according to the following formal procedures:

1. On receipt of your request to have your complaint heard by a Governors' Appeal Panel, we will confirm that we have received your letter and give you a date for the Appeal Hearing. The Governing Body of the academy will convene a panel containing two Governors and a third person who is independent of the management and running of the academy, and will aim to arrange for the panel meeting to take place within **20 working days** of receiving your request for an Appeal Hearing. You will be notified by letter and this letter will inform you of the date, time and location of the Hearing, and provide an explanation of what will happen at the Hearing.
2. You will be asked whether you wish to provide any further written documentation in support of your appeal. If you do, then the academy will need to receive this at least **ten working days** before the Hearing.
3. The Headteacher, or person who led Stage Two, will be asked to prepare a written report for the panel. The panel can request additional information from other sources if necessary. You will receive copies of these papers at least **five working days** before the Hearing.
4. You are entitled to be accompanied to the Hearing. The choice of person to accompany you is your own, but it is usually best to involve someone in whom you have confidence but who is not directly connected with the academy. They are there to give you support but also to witness the proceedings and to speak on your behalf if you wish. They do not have to have a legal background.
7. If it is necessary, in the interests of the ratifying the investigative process, the person representing the academy may, with the agreement of the Chair of the panel, invite relevant witnesses directly involved in matters raised by you to attend the Hearing.
8. The Chair of the panel will bear in mind that the formal nature of the Hearing can be intimidating for you and will do his or her best to put you at your ease.
9. As a general rule, no evidence or witnesses previously undisclosed should be introduced into the meeting by any of the participants. If either party wishes to do so, the meeting will be adjourned so that the other party has a fair opportunity to consider and respond to the new evidence.

10. The Chair of the panel will ensure that the meeting is properly minuted. Please understand that any decision to share the minutes with you, the complainant, is a matter for the panel's discretion and you do not have an automatic right to see or receive a copy as the minutes are the property of the Governing Body. Since such minutes usually name individuals, they are understandably of a sensitive and, therefore, confidential nature.

11. Normally, the written outcome of the Hearing, which will be sent to you, should give you all the information you require. If, however, you feel that you would like to have a copy of the minutes it would be helpful if you could indicate this in advance. If the panel is happy for the minutes to be copied to you, the person taking notes (the Clerk) at the Hearing can then be asked maintain confidentiality in the minutes.

12. During the meeting, you can expect there to be opportunities for:

- The panel to hear you explain your case and your argument for why it should be heard at Stage Three;
- The panel to hear from the person who investigated the complaint at Stage Two, in response;
- You to raise questions via the Chair;
- You to be questioned by the complaint investigator through the Chair;
- The panel members to be able to question you and the person who investigated the complaint at Stage Two;
- You and the person who investigated the complaint at Stage Two to make a final statement.

13. In closing the meeting, the Chair will explain that the panel will now consider its decision and that written notice of the decision will be sent to you and the person who investigated the complaint at Stage Two within **three school days**. All participants other than the panel and the Clerk will then leave.

14. The panel will then consider the complaint and all the evidence presented in order to:

- reach a unanimous, or at least a majority, decision on the case;
- decide on the appropriate action to be taken, if necessary;
- recommend, where appropriate, to the Governing Body changes to the academy's systems or procedures to ensure that similar problems do not happen again.

15. The Clerk will send you, the person at the centre of the complaint (where relevant) and the person who investigated the complaint a letter outlining the findings of the panel within **ten working days** of the Hearing. The letter will also explain that you are entitled to have the handling of the complaint reviewed by an external body – currently the Education Funding Agency (EFA). While this process is not strictly an appeal, it is an opportunity to seek the view of an official third party and the outcome, including any recommendations, may be helpful to you in seeking resolution of the complaint, through the Secretary of State for Education if necessary.

16. We will keep a copy of all correspondence and notes on file in the school's records but separate from pupils' personal records, for one year after your child has left the academy. This may be made available for inspection by the Proprietor / Trust and or the Headteacher (where (s)he is not the subject of the complaint).

17. Records will indicate whether the complaint has been resolved at an informal stage or proceeded to a Panel Hearing

### **Closure of complaints**

Very occasionally, an academy will feel that it needs, regretfully, to close a complaint where the complainant is still dissatisfied.

Both the academy and The Co-operative Academies Trust, where appropriate, will do all we can to help to resolve a complaint against the academy but sometimes it is simply not possible to meet all of the complainant's wishes. Sometimes it is simply a case of "agreeing to disagree".

If a complainant persists in making representations to the academy – to the Headteacher, Chair of Governors or anyone else, this can be extremely time-consuming and can detract from our responsibility to look after the interests of all of the children in our care.

For this reason, we are entitled to close correspondence (including personal approaches, as well as letters and telephone calls) on a complaint where we feel that we have taken all reasonable action to resolve the complaint and that the complaint has exhausted our official process and, especially, where the complainant's action is causing distress to staff and/or pupils.

In exceptional circumstances, closure may occur before a complaint has reached Stage Three of the procedures described in this document. This is because a Complaints Panel takes considerable time and effort to set up and we must be sure that it is likely to assist the process of investigating the complaint.

The Chair of Governors may decide, therefore, that every reasonable action has been undertaken to resolve the complaint and that a complaints review panel would not help to move things forward.

This does not, of course, prevent you from referring your complaint to the EFA for a review of the way it has been handled, with details being available on the internet

**Appendix 1 – Complaints Recording Form**

**Academy Complaints Recording Form**

**Name of Academy** .....

**Contact Information**

Personal Details .....

Name .....

Address .....

.....

Postcode .....

Daytime telephone number .....

Evening telephone number .....

If applicable, name of child(ren) and year at school

.....

Your relationship to the school, e.g. parent, carer, neighbour, member of the public, student:

.....

Please give details of your complaint (continue on another sheet if necessary)

What action, if any, have you already taken to try and resolve your complaint? Who did you speak to, when and what was the response?

What actions do you feel might resolve the problem at this stage?

Signature .....

Date .....

**Official Use:**

Date of acknowledgment .....

By whom .....

Complaint referred to .....

Date .....

## **Appendix 2**

### **Complaints which are subject to statutory procedures**

Some areas of complaint are subject to statutory procedures and there is clear guidance on how such issues should be dealt with. These include;

- admissions
- child protection
- drugs
- equal opportunities
- exclusions
- health and safety
- National curriculum
- religious education and collective worship
- sex education
- special educational needs
- staff capability
- staff discipline
- staff grievance
- racist incidents \*

The Headteacher will in most cases determine which if any of these statutory procedures apply. Advice can be obtained from the Local Authority on any such issues either by contacting the appropriate service manager or the complaints support service on 0113 247 5688.

If one of these statutory procedures needs to be invoked at some point during the investigation of a more general complaint, the complaints procedure should be suspended until the statutory procedure has been concluded.

\* although racist incidents are subject to a statutory procedure, the Race Relations Amendment Act 2000, this does not necessitate the complaints procedure being suspended. However, there is a duty for local authorities to monitor racist incidents and so schools must complete the racial harassment monitoring form (RH1), as part of the procedure for any complaint regarding a racist incident.

