

COMPLAINTS PROCEDURE

Author	Andrea Wills		
Date	August 2017	Review	
Review Body	Trust Board	Status	Statutory

Source documents:

<http://www.legislation.gov.uk/uksi/2014/3283/schedule/made>
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/557407/Complain_about_an_academy.pdf
<https://www.gov.uk/government/publications/setting-up-an-academies-complaints-procedure/putting-in-place-a-complaints-procedure>

INTRODUCTION

1. If you are the parent of a young person at one of our Academies your complaint is about, we must by law offer you the following stages to resolve your complaint:
2. Stage 1 – provide an opportunity for you to resolve your complaint informally, for example by discussing the issue with a senior member of staff.
3. Stage 2 - If you are still not happy, we should accept a written formal complaint from you, which will normally be responded to by the Head Teacher or Chair of the Academy Council.
4. Stage 3 - If you remain dissatisfied, we should organise a hearing with a panel made up of at least 3 people not involved in the complaint, one of whom must be independent of the management and running of the Academy.
5. If you are still unhappy then your final option is to refer your complaint to the Education Funding Agency, but they will only look at complaints that have followed all 3 stages detailed above.
6. This Complaints Procedure details how we handle complaints from parents of young persons attending Learn@ MAT Academies. It has been drawn up to comply with the Education (Independent Schools Standards) (England) Regulations 2014 Schedule 1, Part 7 updated 27th January 2015.
7. The Complaints Procedure is available online on the Learn@ MAT website. A hard copy is kept on file in all our schools. And a copy can also be sent out to parents on receipt of a verbal or written request.
8. We refer to ‘parents’ throughout this document. This description is intended to include all first party complainants with caring responsibilities for our young people, for example, carers, and legal guardians or education guardians.
9. We will not normally entertain complaints about incidents that occur outside Academy hours or outside the premises or from people who are not parents of a young person at one of our Academies. However, we will investigate complaints from third parties if the matter clearly relates to pupil welfare or the Academy’s Code of Conduct.

OUR COMMITMENT

10. We place great importance on providing the highest standards of education to all of our young people but we know that sometimes we won’t always get things absolutely right. In these circumstances we encourage the parents of individual young people to tell us about their complaint so that we have the opportunity to put things right.

11. Our commitment to our parents is that we will ensure any complaint is dealt with promptly, fairly and proportionately and our aim is to resolve it at the most local level possible.
12. We aim to put right anything that may have gone wrong and if appropriate we will review our systems and procedures in light of the specific circumstances of the complaint.
13. We aim to respond to and resolve complaints in a timely manner. Timescales for each stage are clearly set out in this Complaints Procedure. When we refer to working days, we mean Monday to Friday during term time. The dates of terms are published on the Academy's website.
14. You should make your complaint as soon as possible, but no later than 30 working days from the date of the matter which has triggered your concern. At the Head Teacher's discretion, and only in exceptional circumstances, we will entertain complaints from parents whose child has left one of our Academies within the last three months.
15. We expect that everyone involved in making or handling a complaint will treat each other with respect, and will not be gratuitously abusive or use offensive language, whether in their complaints or otherwise. We will end any meeting where this occurs and if a written complaint contains such language, we will invite you to reword it before we begin our investigation of it.

COMPLAINTS PROCEDURE

Stage 1: DEALING WITH COMPLAINTS INFORMALLY

16. We expect that most of your concerns and complaints can be resolved informally at this first stage of our Complaints Procedure. You should try and raise your concern with us as soon as possible. It may involve the following:
 - i. Educational issues relating to the classroom, curriculum or special educational needs which should be raised with the Class Tutor, Head of Department, Assistant/Deputy Head or Head Teacher.
 - ii. Pastoral care issues which should be raised with the Class Tutor or Head of Department if issues relating to school day, or Deputy Head of Residential Care or Head of Residential Care if regarding evening/residential issues.
 - iii. Disciplinary matters which should be raised with the member of staff who took the disciplinary action and/or imposed a sanction.
17. We take complaints of discrimination, harassment or victimisation very seriously and these may need to be dealt with at Stage 2 without action at Stage 1.

18. We also take complaints about any of our Head Teachers very seriously. They should be made in writing to the Chair of the Academy Council, and will be dealt with from Stage 2. Contact details are available on your Academy's website. Please do not use the Stage 2 Complaints Form for complaints about the Head Teacher.
19. Separate procedures apply in the event of a child protection issue, an issue regarding admissions or if the Head excludes a young person from the Academy. (Please refer to Behaviour Policy for the Academy).
20. If you write to us about your concerns at Stage 1, we will acknowledge receipt of your fax/letter/email within five working days during term time and as soon as practical during the holidays. We will not necessarily acknowledge in writing a matter you raise with us verbally.
21. All verbal and written concerns/complaints received and any actions taken at Stage 1 will be logged by the relevant member of staff for review by the Academy Council and, if appropriate, by the Trust Board.
22. If it is not possible to resolve your concern satisfactorily within 10 working days by informal means at Stage 1 of the Complaints Procedure then you can take the matter further by completing a Stage 2 complaints form which can be downloaded from the Academy's website or a hard copy obtained from the Academy.

Stage 2: FORMAL COMPLAINT

23. If you are dissatisfied with the response to your complaint at Stage 1, or the complaint requires investigation or involves dissatisfaction with some aspect of the Learn@ MAT's policies or management, then you should clearly and concisely set out in writing why you remain dissatisfied. You can either write a letter or complete the Academy's Stage 2 Complaints Form available on the Academy's website, and send them, together with all relevant documents and your full contact details, to the Head Teacher.
24. The Academy will acknowledge your formal written complaint in writing by fax, email or letter within two working days during term time, and as soon as practicable during the holidays. Please note that any complaint received within one month of the end of a term or during half term is likely to take longer to resolve because of the limited availability of staff for a proper investigation during school holidays.
25. The Head Teacher will normally investigate your complaint unless it is more appropriate for the Academy Council to deal with it because, for example, the complaint is about the Head Teacher. The Head Teacher or Academy Council aim to respond to your complaint within ten working days during term time and as soon as practicable during the holidays. If there are exceptional circumstances resulting in a delay, you will be notified of this and informed of the new timescales as soon as possible.
26. The Stage 2 investigation may be conducted by a senior member of staff (acting on behalf of the Head) and, if appropriate may involve members of the Academy Council and one or more Trustees. The Investigator(s) may

request additional information from you and may wish to speak to you and others who have knowledge of the circumstances of your complaint.

27. The Academy/Academy Council will keep written records of all meetings and interviews held in relation to the complaint. The Investigator(s) will prepare a report on the investigation for the Head Teacher and/or the Academy Council.
28. The Head Teacher will inform you of his/her decision explaining their reasons for it. However, if your complaint is about the Head Teacher then the Chair of the Academy Council will respond to it.

Stage 3: PANEL HEARING

29. If you are dissatisfied with the Stage 2 response you can request a Panel Hearing to consider your complaint further.
30. A request for a Panel Hearing will only be considered if you have completed Stages 1 and 2 of the Complaints Procedure.
31. A Panel Hearing will not consider any new areas of complaint, which were not previously raised at Stage 1 and 2 of the Complaints Procedure.
32. The Panel will be made up of at least three people who were not directly involved in the matters detailed in the complaint. One person will be a member of the Academy Council and one or more will be Trustees. One Panel member will be independent and will have had no role in the management or running of the Academy.
33. You should request a Panel Hearing within 10 working days of the date on which you received the Stage 2 response. It must be made in writing to the Chair of the Trust Board, via the Clerk. The Clerk will ensure the Academy, Academy Council and Trust Board are informed of the request for a Panel Hearing within 5 working days of its receipt.
34. You do not have to attend the Panel Hearing. However, if you choose to do so you also have the right to be accompanied by a friend, relative or a legal representative. When you request a Panel Hearing you need to let us know whether you wish to attend yourself and if someone will attend with you.
35. Your written request should include:
 - a) your name and contact details
 - b) the nature of your complaint and the outcome you desire
 - c) copies of all relevant documents that will help the Panel to assess your complaint
 - d) whether you propose to attend the hearing and, if so, whether you also intend to bring someone with you, for example a relative, teacher or friend. The Panel Hearing is not a legal proceeding and so legal representation is not usually necessary. However, if you do wish to be accompanied by someone who is legally qualified you should notify the Chair of the Trust Board, via the Clerk at the time of your initial request

for a Panel Hearing, or no later than five working days prior to the scheduled hearing date.

- e) whether you need any special assistance, for example because of a disability, we can then make appropriate arrangements for you.

36. The Clerk to the Trust Board will:

- a) acknowledge your request for a Panel Hearing in writing within five working days of receipt during term time and as soon as practicable during the holidays.
- b) try and convene a Panel Hearing to take place within 15 working days of receipt of your request. However, you should note that the Panel would not normally sit during half terms or school holidays.
- c) send out full written details of the date, time and place of the Panel Hearing, as soon as reasonably practicable, and no later than ten working days before the scheduled hearing date.
- d) Circulate a copy of all the documents to be considered by the Panel to all parties at least three working days before the Hearing.

37. The Panel Hearing will be conducted in an informal manner. All attendees will have the opportunity to ask questions and make comments in an appropriate manner.

38. The Panel will consider all the documentation provided by both parties along with any verbal representations made at the Panel Hearing. The Panel will take into account any refusal to provide information in its determination, including considering whether it is able to reach a decision.

39. The Panel will retire to review the evidence and to establish the facts surrounding the complaint before reaching its decision on whether or not to uphold, partly uphold or not to uphold the complaint.

40. The Panel will inform you of its decision in writing within ten working days of the date of the Panel Hearing.

41. The Panel has no powers to make any financial award to you or to impose sanctions on staff, young persons or parents. However, it does have the authority to make findings and recommendations, a copy of which will be provided to you and, where relevant, the person complained about; and they will also be available for inspection on the Academy premises by the Head Teacher, members of the Academy Council and members of the Trust Board.

42. If the complaint at Stages 1 to 3 has been made against the Head Teacher or the Chair of the Academy Council then they will be excluded from the procedures and their deputies will be the senior members of staff responsible for managing the complaint.

PRIVACY

43. The Academy, Academy Council, Trust Board and you the complainant will not publish material provided as part of an investigation into a complaint; disclose such material to third parties (including the media) except as is reasonably necessary in order to engage in the complaints process; or otherwise use it except for the purposes of engaging with the complaint.
44. We will keep a written record of all complaints, and of whether they were resolved informally at Stage 1, following a formal procedure at Stage 2, or proceeded to a Panel hearing. The records will also record any action taken by the Academy as a result of a complaint, regardless of whether it was upheld or not.
45. Correspondence, statements and records relating to individual complaints will be kept confidential except where access is requested by the Secretary of State or a body conducting an inspection requests them under section 109 of the 2008 Act.
46. In accordance with data protection principles, details of individual complaints will be kept only for as long as is considered to be reasonably necessary in the circumstances.

COMPLAINTS TO THE EDUCATION FUNDING AGENCY

47. If you are dissatisfied with the decision at Stage 3 of the Complaints Procedure then you can contact the Education Funding Agency (EFA). Part of the EFA's role is to make sure Academies like ours comply with the terms of our funding agreement, which is a contract between the Secretary of State and us. The EFA's Procedure for dealing with complaints can be read here:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/557407/Complain_about_an_academy.pdf

48. You should note that the EFA couldn't change any decision we have made about your complaint. Their role is to look at whether we properly handled your complaint at all three stages of our Complaints Procedure in line with the requirements of the law.
49. If you wish to refer your complaint to the EFA where possible you should put your complaint in writing and send it:
 - via the Department for Education's schools complaints form available here <https://www.gov.uk/government/publications/complain-about-an-academy>
 - by post to Ministerial and Public Communications Division, Department for Education, Piccadilly Gate, Store Street, Manchester M1 2WD

50. The EFA looks at complaints about Academies that fall into the following areas:

- a) undue delay or non-compliance with an Academy's own complaints procedure
- b) an Academy's failure to comply with a duty imposed on it under its funding agreement with the Secretary of State
- c) an Academy's failure to comply with any other legal obligation, unless there is another organisation better placed to consider the matter.

51. The EFA will not investigate complaints that are, for example:

- a) about the quality of education or leadership, or concerns affecting the Academy as a whole. These should be raised with Ofsted.
- b) about discrimination. These should be raised with the Equality Advisory Support Service.
- c) about data protection. These should be raised with the Information Commissioner's Office.
- d) about exam malpractice or maladministration. These should be raised with the Office of Qualifications and Examinations Regulation (Ofqual) and relevant awarding body.
- e) about criminal behaviour. These should be raised with the police.
- f) about any matter, which is, or has been, subject to legal action.
- g) about employment matters. These should be raised through the academy's grievance procedure, or taken to an Employment Tribunal.
- h) about child protection. These should be taken up with the relevant local authority designated officer (LADO) and/or the Director of Children's Services.
- i) about a child or young person's Statement of Special Educational Need where there is another route of appeal, for example the First Tier Tribunal (Special Educational Needs and Disability) Service formerly the Special Educational Needs and Disability Tribunal (SENDIST)