



ALEC REED ACADEMY

PROUD TO LEARN

Complaints Policy & Procedure

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1. Policy

- 1.1 Alec Reed Academy highly values the very positive and supportive relationship it has established with the students, parents/carers and the local community. However, from time to time the academy will receive a complaint.
- 1.2 Complaints may take many forms. To this end the Governors have an agreed policy and procedures in order that any Complainants are able to express their views.
- 1.3 The academy believes that children learn better when there is a positive and effective partnership between the academy and parents/carers. It is, therefore, important that all members of the academy community are entitled to have their points of view properly considered and that all complaints are dealt with as swiftly as possible –failure to do so frequently results in greater dissatisfaction.

General Considerations

- There is a difference between a complaint and a concern. A ‘concern’ may be defined as ‘an expression of worry or doubt over an issue considered to be important for which reassurances are sought’. A complaint may be generally defined as ‘an expression of dissatisfaction however made, about actions taken or a lack of action’.
- The procedures that follow are not for complaints from staff about matters relating to their duties or employment at the academy, or for complaints they may have about parents/carers. Those issues are to be dealt with through the academy’s staffing procedures and policies.
- Where an appeal mechanism or legislative process takes precedence, then that procedure must be followed and the procedure outlined in section 2 will not apply. Examples of where alternative measures would take precedence may include (but are not limited to) some of the following:
 - Complaints about the statementing process for children with special educational needs;
 - Staff grievances and disciplinary procedures;
 - Child protection allegations;
 - Admissions and exclusions;
 - Complaints concerned with the delivery of the National Curriculum (or the academy’s sex education policy);
 - Whistleblowing

 - Allegations of bullying by students
 - Academy reorganisation proposals
 - Complaints about services provided by other providers who may use academy premises or facilities.
- In some of these cases the local authority may have a role to play in ensuring that the academy has followed the correct procedure, for example where the academy plays a specific part in discharging the local authority’s responsibilities for admissions.
- Initially most complaints will be oral. There should not be a requirement for the complainant to put their complaint in writing at the informal stage. However, academies should be mindful that English may not be the complainant’s first language and due consideration and appropriate action should be taken where this is known to be the case. Such actions may include, for example, agreeing to the parent being accompanied by a friend or family member to act as interpreter.

- Governors are not to attempt to deal with complaints outside of this procedure. Any governor who is approached by a complainant wishing to complain about the academy will direct them to the Principal. There will be some instances, for example, when the complaint is about the Principal, where it would be appropriate for the complainant to be advised to write to the chair of the governing body instead of the Principal.
- The Local Authority (LA) does not have any power to investigate most of the concerns raised by parents or carers wishing to complain, nor do they have the power to require academy staff or governing bodies to take any particular action in the majority of cases raised through complaints. (The main exceptions to this are child protection and health and safety, where the LA does still have the powers to investigate and intervene). Therefore, in the majority of cases any complainant who approaches the LA (except in such cases as specified above) will be referred back to the Principal or the Chair of the Governing Body.
- Principals or governors will not investigate (or in the case of governors, be a member of the review panel) when a complaint is about their own actions.
- Complaints and concerns relating to issues which occurred more than three months before will, generally, be ruled “out of time”.
- When an investigation is required an investigating officer will be appointed by the Principal / governors (dependent upon the complaint). The investigating officer will try to establish what happened, discover what the complainant feels would remedy the situation and interview those involved, keeping notes of the interviews. It may be appropriate to have another person present to take notes on occasions.

Complaints Procedure for Use in Academies

2. Stage one - Local resolution of the problem (the informal stage)

- 2.1 In the vast majority of cases a problem can and should be resolved by contacting the class teacher, subject teacher or member of staff directly involved with the problem. The initial communication with the member of staff may be by letter, telephone conversation or in person by appointment. Where this action does not lead to the problem being resolved then the complaint should be dealt with through the formal stages of this procedure.

3. Stage two – The Formal Stage

- 3.1 If the Complainant is not satisfied with the response from the member of staff at stage 1 they should be advised that the next stage is to put their complaint in writing to the Principal. Where the Principal is the subject of the complaint then sections 4 and 5 of this procedure apply.
- 3.2 The Principal will be responsible for carrying out an investigation or appointing a member of staff to carry out the investigation and report their findings to the Principal who will then reach a conclusion based on the investigation. Notes should be kept of any interviews held as part of the investigation. In order to clarify the specific details of the complaint, the nature of the complaint and any background to the complaint. The investigating officer should produce notes of this interview.
- 3.3 At the conclusion of their investigation the investigating officer will compile a report detailing their findings and any recommendations or actions they propose need to be considered by the Principal.
- 3.4 When writing to the Principal the complainant should seek to include details that might assist the investigation, such as witnesses, dates and times of events and copies of relevant documents.
- 3.5 The Principal should write to the complainant within 5 academy days of receipt of this letter, setting out who is conducting the investigation and that the Principal will write again to the complainant within a further 20 academy days setting out the actions taken to investigate the complaint and their findings (that is in total 25 academy days from the date the complaint letter was received).
- 3.6 Before the Principal (or senior member of staff investigating) interviews a member/s of staff, they must be informed that they can be accompanied by a colleague or representative of a recognised union or professional association.
- 3.7 Once satisfied that the investigation had been concluded and they have reached a decision on the complaint the Principal will notify the complainant in writing of their conclusion and any actions that will be taken as a result of the complaint (except where this would involve taking any formal action against individual members of staff which would remain confidential). This should be done no later than 20 academy days as set out in paragraph 3.5 above. The Principal may feel it appropriate to meet with the complainant to communicate their findings.
- 3.8 The outcome of the investigation would usually be one of the following but not limited to:
- The evidence indicates that the complaint was substantiated and therefore upheld;
 - The complaint was substantiated in part or in full (some details would be given of the actions the academy will take in response to the complaint except where they may be of a disciplinary or other such nature relating to an individual member of staff);
 - There is insufficient evidence to reach a conclusion so the complaint is inconclusive;
 - The complaint is not substantiated by the evidence and therefore not upheld;

- 3.9 At this stage the complainant will be told that consideration of the complaint by the Principal is now concluded. The complainant will also be informed that if they are not satisfied with the manner in which the process has been followed, they may request that the Governors Complaints Review Panel review the process followed by the Principal in handling the complaint.
- 3.10 The complainant must be advised in writing of exactly who to contact and the timescale by which they should make contact, should they wish to pursue the matter to stage 3 – the Complaints Review Panel. This stage is set out below in paragraph 6.
- 3.11 This request must be made in writing to the Clerk of the Governing Body within 10 academy days of receiving the outcome from the Principal and must include a statement specifying reasons for the request for the review and any perceived failures arising from the investigation process followed.

Where the complaint is about the actions of the Principal

4. Stage one – Local resolution of the problem (the informal stage)

- 4.1 In the vast majority of cases a problem can and should be resolved by speaking to the Principal directly in an effort to resolve the problem or concern. The initial communication with the Principal may be by letter, telephone conversation, in person or by appointment. Where this action does not lead to the problem being resolved then the complaint should be dealt with through the formal stage of this procedure.

5. Stage two – The formal stage (where the complaint is about the actions of the Principal)

5. If the complainant is not satisfied with the response from the Principal at stage 1 they should be advised that the next stage is to put their complaint in writing to the Chair of Governors.
- 5.2 The Chair of Governors will be responsible for carrying out an investigation or appointing another Governor to carry out the investigation and report their findings to the Chair of Governors who will then reach a conclusion based on the investigation. Notes should be kept of any interviews held as part of the investigation. In order to clarify the specific details of the complaint, the nature of the complaint and any background to the complaint the investigating Governor may feel it necessary to meet with the complainant. The investigating Governor should produce notes of this interview.
- 5.3 At the conclusion of their investigation, the investigating Governor will compile a report detailing their findings and any recommendations or actions they propose need to be considered by the Chair of Governors.
- 5.4 When writing the initial letter to the Chair of Governors the complainant should seek to include details that might assist the investigation. Such as witnesses, dates and times of events and copies of relevant documents.
- 5.5 The complainant will receive notification of the receipt of their complaint within 7 academy days of receipt of their letter. They will write to the complainant within a further 20 academy days setting out the actions taken to investigate the complaint and their findings (that is in total 25 academy days from the date the complaint letter was received).
- 5.6 Before the investigating Governor interviews a member/s of staff, they must be informed that they might be accompanied by a colleague or representative of a recognised union or professional association.

- 5.7 Once satisfied that the investigation has been concluded and they have reached a decision on the complaint the Chair of Governors will notify the complainant in writing of their conclusions and any actions that will be taken as a result of the complaint (except where this would involve taking any formal action against individual members of staff which would remain confidential). This should be done no later than 20 academy days as set out in paragraph 5.5 above. The Chair of Governors may feel it appropriate to meet with the complainant to communicate their findings.
- 5.8 The outcome of the investigation would usually be one of the following but not limited to:
- The evidence indicates that the complaint was substantiated and therefore upheld;
 - The complaint was substantiated in part or in full (some details would be given of the actions the academy will take in response to the complaint except where they may be of a disciplinary or other such nature relating to an individual member of staff);
 - There is insufficient evidence to reach a conclusion so the complaint is inconclusive;
 - The complaint is not substantiated by the evidence and therefore not upheld;
- 5.9 At this stage the complainant will be told that consideration of the complaint by the Chair of Governors is now concluded. The complainant will also be informed that if they are not satisfied with the manner in which the process has been followed, they may request that the Governors Complaints Review Panel review the process followed by the Chair of Governors in handling the complaint. This stage is outlined in paragraph six below.
- 5.10 The complainant must be advised in writing of exactly who to contact and the timescale by which they should make contact, should they wish to pursue the matter to stage 3 – the Complaints Review Panel. This stage is set out below in paragraph 6.
- 5.11 This request must be made in writing to the Clerk to the Governing Body within 10 academy days of receiving the outcome from the Chair of Governors and must include a statement specifying reasons for the request for the review and any perceived failures arising from the investigation process followed.

6. Stage three – The Governors Review Panel (All Complaints)

- 6.1 Review Panels are convened to review the academy's response to a complaint (stage 2). If the complaint has not been settled at the formal stage and the person making the complaint is not satisfied with the outcome or the way it was dealt with, they can ask for the process to be reviewed by the review panel – the next stage in the process.
- 6.2 The Review Panel's purpose, in each case, is to reconsider (not to reinvestigate) the original complaint and the academy's response to it, including its investigation and to make recommendations with reason at all those involved. The Review Panel's role is not to undertake a reinvestigation of the case, nor to extend its reference beyond the above matters.
- 6.3 The role of the stage 3 Review Panel is to review the actions and supporting evidence of the stage 2 investigation. The Panel is not permitted to do the following:
- To reinvestigate the complaint;
 - To reach a definite view on a point of law;
 - To criticise the complainant for any "contributory negligence" that may have contributed to the difficulties;
 - To be an alternative to a disciplinary hearing, as far as staff are concerned; or

- To hear any new complaints (except if it relates to the length of time taken to deal with the substantive complaint).
- 6.4 Any review of the process followed by the Principal, Chair of Governors or the Investigating Governor shall be by a panel of at least three members of the Governing Body appointed to by the Review Panel.
- 6.5 The review will normally be conducted through consideration of written evidence but any requests received to make an oral representation should be considered sympathetically.
- 6.6 The panel will consider the letter from the complainant (outlined in paragraph 5.11 above) and if needed request that the complainant submit in writing (within a reasonable timescale) any further information needed by them relating to their reasons for requesting a review and any perceived failures arising from the investigation process followed. The Principal or Investigating Governor will be invited to make a written response to the complainant's submissions.
- 6.7 The panel should have access to all records, notes or information considered during the investigation (unless prevented from doing so for reasons such as data protection).
- 6.8 The outcome of the investigation may be one of the following but not limited to:
- The evidence indicated that the complaint was substantiated and therefore upheld;
 - The complaint was substantiated in part or in full (some details would be given of the actions the academy will take in response to the complaint except where they may be of a disciplinary or other such nature relating to an individual member of staff);
 - There is insufficient evidence to reach a conclusion so the complaint is inconclusive;
 - The complaint is not substantiated by the evidence and therefore not upheld;
- 6.9 The panel should communicate its findings to the complainant, Principal and Chair of Governors within 25 academy days of receipt by the Clerk of the complainant's letter requesting a review.
- 6.10 If the complainant is still not happy at this stage they should be informed that they can appeal to the Secretary of State for Education & Skills (or any other relevant body appointed to hear parental complaints against academies as set out in Regulations or Acts of Parliament) on the following grounds:
- The Governing Body is acting or proposing to act unreasonably;
 - The Governing Body has failed to discharge its legal duties as set out in Regulations or Acts of Parliament.

7. Dealing with unreasonable or persistent complaints

- 7.1 The academy's definition of this type of complaint is a complainant who persists in pursuing a complaint where the complaints procedure has been fully and properly exhausted. Their complaints have been thoroughly investigated and have received a comprehensive and full response to each of their complaints, but continue to pursue the matter (and/or any evolving issues) despite correspondence, apologies and/or meetings.
- 7.2 Complainants (and/or anyone acting on their behalf) may be deemed by the Principal and/or the Chair of Governors to be unreasonable or persistent where previous or current contact with them shows that they meet any one of the following criteria (but this list is not exhaustive). The following are given as examples of behaviour by complainants that may be described as unreasonably persistent. (In these examples a "contact" may be in person, by telephone, letter, email, fax or SMS text). The complainant:
- By the frequency of contact with the academy hinders objective consideration of a "live" complaint;

- Makes a string of further complaints about a “live” investigation or changes aspect of the complaint, during the investigation;
- Who has exhausted all stages of the Academy’s complaints procedure but continues to pursue the matter;
- Who seeks an unrealistic outcome and persists in doing so despite being advised that this is the case

7.3 An additional consideration of the academy may be to decide to deal with such complaints in one or more of the following ways, for example;

- a. Try to resolve matters before invoking this policy by drawing up a signed “agreement” with the complainant (and if appropriate involving the relevant {officer, practitioner etc.} in a two-way agreement) which sets the code of behaviour for the parties involved if the academy is to continue processing the complaint. If these terms were contravened, consideration would then be given to implementing other action.
- b. To require contact to take place with a named officer.
- c. To restrict telephone calls to specified days and times.
- d. Decline contact with the complainant either in person, by telephone, by email, by fax, by letter or any combination of these, provided that one form of contact is maintained. Similarly, indirect contact may be agreed via a third party.
- e. Notify the complainant in writing that the academy has responded fully to the points raised and has tried to resolve the complaint but there is nothing more to add and continuing contact in the matter will serve no useful purpose. The complainant should also be notified that the correspondence is at an end and that further communication about the same matters will be acknowledged but not answered.
- f. Temporarily suspend all contact with the complainant or investigation of a complaint whilst seeking legal advice, guidance from local education authority, the DFE or other relevant agencies.

7.4 When a complainant is unreasonably persistent about a complaint (and the complaint has been properly exhausted) the Principal will report their concerns to the Chair of Governors. If the Chair of Governors is in agreement that the persistence and behaviour of the individual is unreasonable then the Principal and Chair of Governors shall jointly write to the individual setting out why they have come to this conclusion and what action the academy are taking and the duration thereof.

7.5 Where a complainant continues to behave in an unacceptable fashion the Chair of Governors may authorise staff to terminate contact with the complainant (except in matters directly related to the education and welfare of their child) and they may discontinue any further investigation being carried out. Any further contacts from the complainant in writing will be read and placed on file. Telephone calls relating to the complaint will be terminated and logged.

8. Complainants who behave in an unacceptable way

8.1 The academy recognises that parents and carers who feel dissatisfied may feel angry about their treatment. However the academy, the Governing Body and the Council has a duty of care towards the safety and welfare of its staff.

8.2 If a member of staff feels threatened by a complainant they will report those fears to the Principal (or in the case of the Principal to the Chair of Governors). The Principal or Chair of Governors will complete an incident report form and as part of the action arising from his/her investigation may consider:

- Writing to the perpetrator requiring a guarantee of no repetition of the behaviour and, if necessary, setting out the conditions and restrictions for further contact with staff;

- Temporarily banning the parent or carer from the academy site;
- Whether to report the matter to the Police.

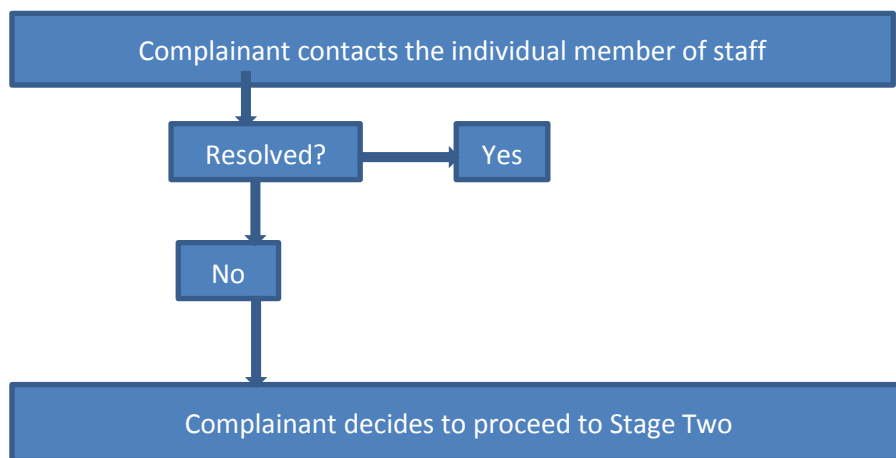
Repeated calls or threatening contact may be deemed to be harassment which may be reported to the Police if felt necessary by the Principal.

9. Complaints to the Department for Education (DfE)/Education Funding Agency (EFA)

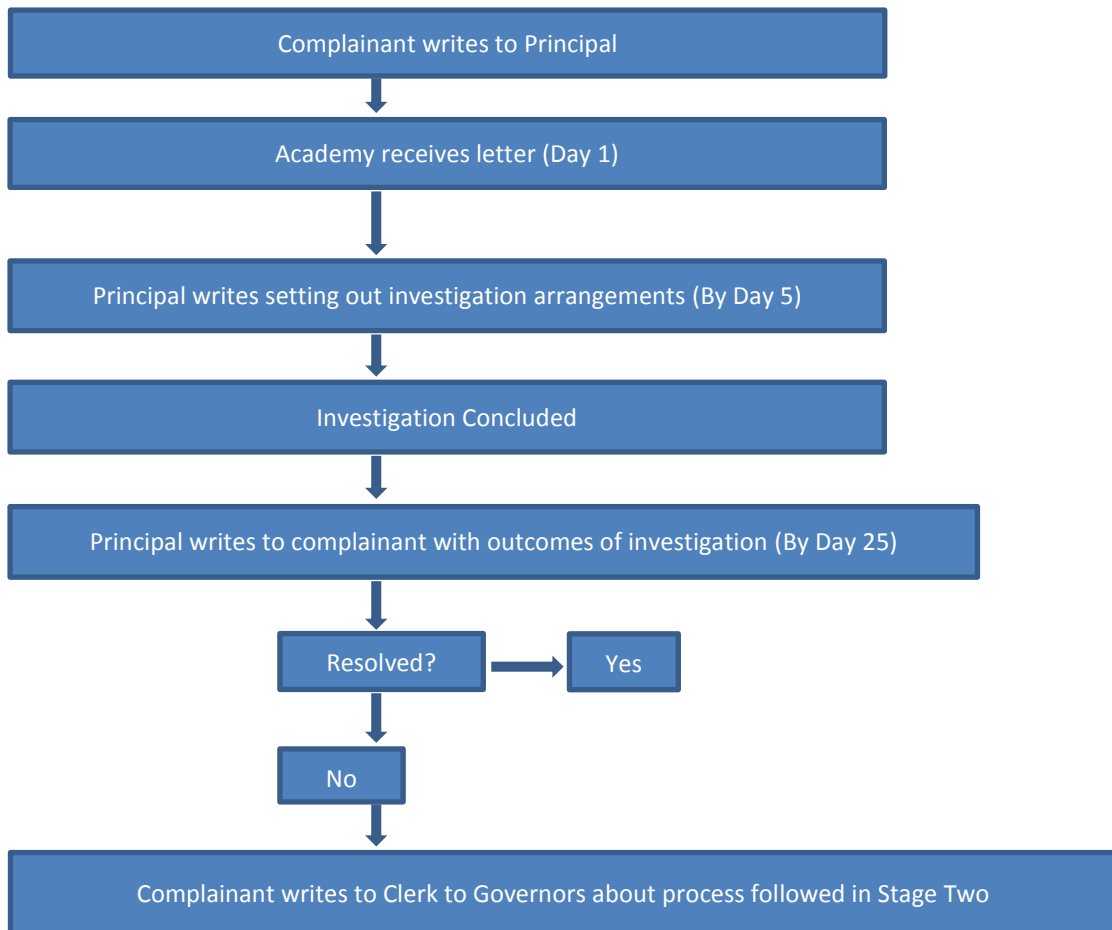
9.1 A complainant has a right, if they are still not satisfied once academy processes are exhausted, to send their complaint to the DfE/EFA. The EFA can consider complaints where it is alleged that a) the academy has not complied with its own complaints policy or the policy does not comply with the statutory requirements or b) the academy has failed to comply with a duty imposed on it under its funding agreement with the Secretary of State. Details of how to complain can be found on the DfE website.

Model Complaints Procedure for Academies – Flowchart

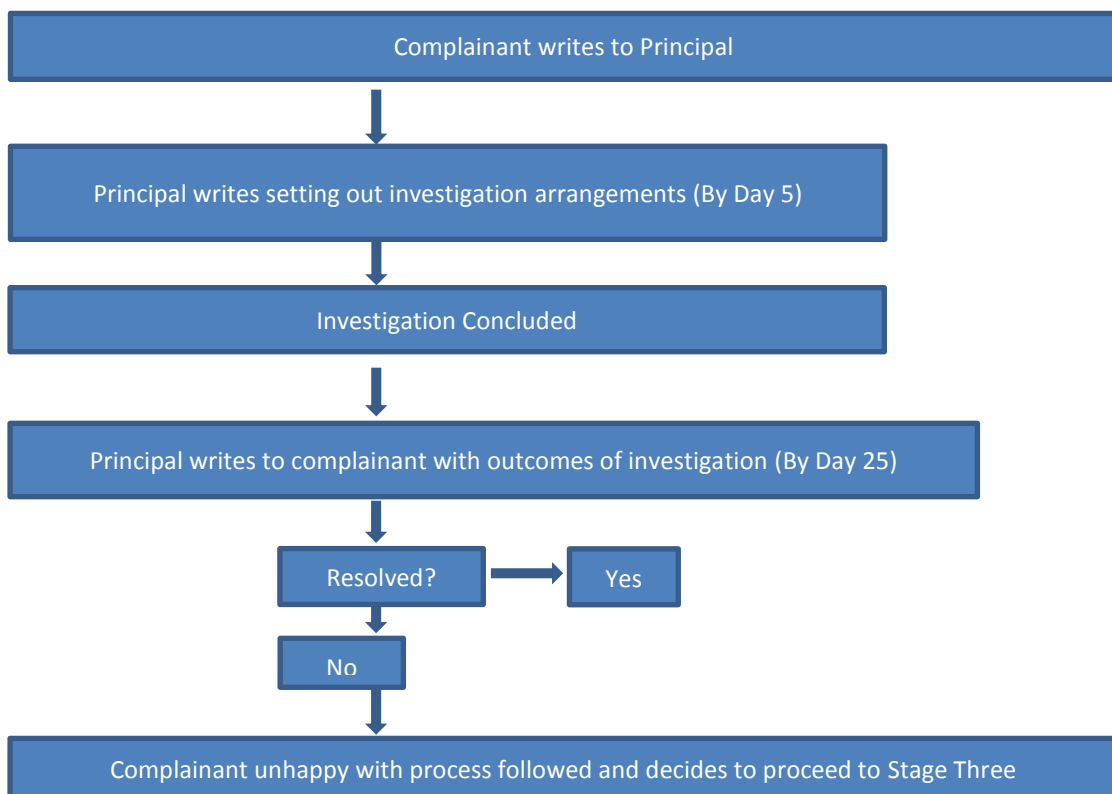
Stage One – Informal Stage



Stage Two – Formal Stage



Stage Three – Formal Stage



Note: If the complaint is about the actions of the Principal then the Chair of Governors carries out the Principal's role indicated above (section 5 in model procedure).