



Marches Academy Trust

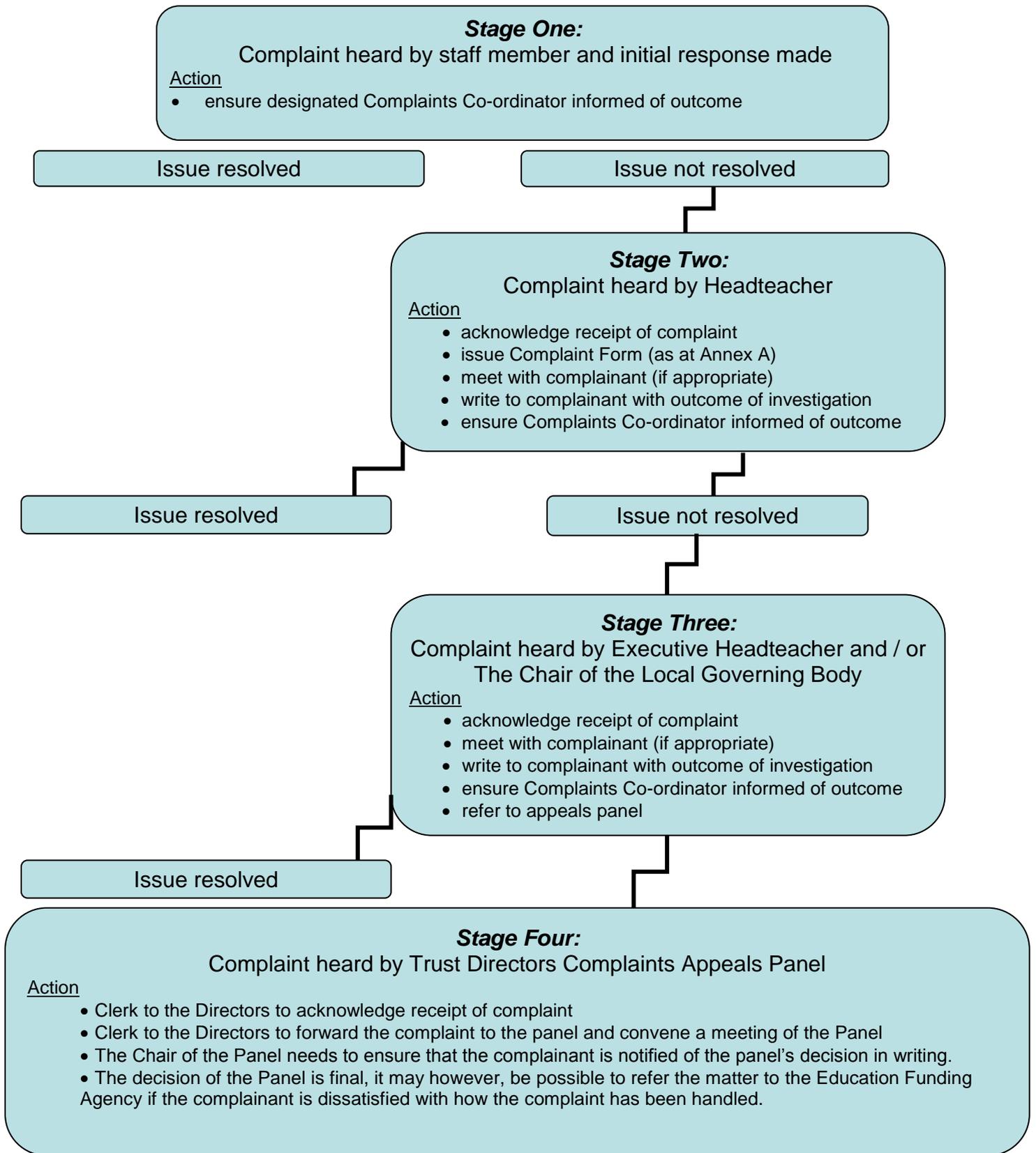
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# School Complaints Procedure

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# 1. Summary of Dealing with Complaints Flowchart



## **2. Complaints Procedure (this policy has been informed by Section 29 of the Education Act 2002 – see Appendix A)**

### **Introduction**

The Marches Academy Trust has clear Vision and Values which build upon collaborations and aims to ensure that every Academy School within the trust works in a productive and positive partnership with all parents and carers to realise – ‘Achievement through Caring’.

However, if a parent / carer feels that a situation has arisen that they are unhappy about then they have right to make a complaint. Any and every complaint made will be taken seriously and dealt with swiftly and professionally. All parents / carers will be made aware of this policy and the procedures to follow if they wish to make a complaint.

This Complaints Procedure aims to be explicit and transparent to all.

### **2.1 Stage One: Complaint Heard by Staff Member**

The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. The staff member will try to resolve problems informally wherever possible, this informal response may be verbal or in writing. An effective response and appropriate redress will be provided to all complaints as quickly as possible dependent upon the complexity of the issues raised.

It is essential that the school respects the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the complaints co-ordinator will refer the complainant to another designated member of staff. Where the complaint concerns the Headteacher, the complaints co-ordinator will refer the complainant to the Chair of the Local Governing Body.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the designated complaints co-ordinator may consider referring the complainant to another member of staff. The member of staff may be more senior but this is not essential.

The ability to consider the complaint objectively and impartially is crucial.

Where the first approach is made to a governor, the next step would be to refer the complainant to the appropriate person and advise them about the procedure. It would be helpful if the governor did not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in the event that they may be needed to sit on a panel at a later stage of the procedure.

### **2.2 Stage Two: Complaint Heard by Headteacher**

The Headteacher's influence will already have shaped the way complaints are handled in the school. At this point, the complainant may be dissatisfied with the way the complaint was handled at stage one as well as pursuing their initial complaint. The Headteacher may delegate the task of collating the information to another member of staff but not the decision on the action to be taken. If appropriate, the Headteacher will invite the complainant to a meeting. A copy of the complaint form (Annex A) can be issued for completion and return, prior to the Headteacher's decision.

### **2.3 Stage Three: Complaint Heard by the Chair of the Local Governing Body and / or the Executive Headteacher**

At this point, the complainant may be dissatisfied with the way the complaint was handled at stage two. The complainant may write to the Chair of the Local Governing Body and / or the Executive Headteacher of the Academy Trust giving details of the complaint and the reason why they are being requested to reconsider the decision of the School Headteacher. The Executive Headteacher may delegate the task of collating the information to another member of staff but not the decision on the action to be taken. If appropriate, the Executive Headteacher may invite the complainant to a meeting to include the Chair of the Local Governing Body.

The Executive Headteacher and / or the Chair of the Board of Local Governing Body will consider the complaint and decide whether:

- To deal with the complaint directly and then write to the complainant, or
- To refer the complaint for consideration by the Trust Directors Complaints Appeals Complaints Panel

### **2.4 Stage Four: Complaint Heard by the Trust Directors Complaints Appeals Panel**

Complaints to be considered by the Trust Directors Complaints Appeals Panel will be as a result of either there being a referral from Stage Three or that the complainant has written directly to the Directors of the Academy Trust to make a complaint.

The panel will be convened by the clerk and membership of three will be drawn from the Board of Directors who will when they meet elect a chair. The complainant will be invited to attend the Panel meeting and the general proceedings of the panel will be as agreed in the Board of Directors Terms of Reference.

Complaints Panel hearing is the last Trust-based stage of the complaints process and its decision will be final. If the complainant is not satisfied that their complaint has been complainants may contact the EFA via the schools complaints form:-

<https://www.education.gov.uk/form/school-complaints-form>

Individual complaints would not be heard by the whole Trust Board of Directors at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

### **3. The Timescales in Working Days for the Procedure are:**

- 10 working days at Stage 1 (with a further 10 working days for more complex complaints or additional time if an advocate is required);
- 25 working days at Stage 2 (with maximum extension to 65 days);
- 20 working day at stage 3 (with maximum extension of 65 days);
- 30 working days to convene and hold the Trust Directors' Complaints Appeal Panel at Stage 4;
- 10 working days for the Panel to issue its findings; and
- 15 working days for the school to respond to the findings.

The timescales place a duty on the school to act expeditiously through the procedure; this is to ensure that the complaint is dealt with as swiftly as possible.

## **4. The Remit of the Trust Directors Complaints Appeal Panel**

The panel can:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint;
- recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

There are several points which any Trust Director sitting on a complaints appeal panel needs to remember:

- a. It is important that the appeal hearing is independent and impartial and that it is seen to be so. In deciding the make-up of the panel, Trust Directors need to try and ensure that they are sensitive to the issues of race, gender and religious affiliation.
- b. The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
- c. An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents/carers often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.
- d. The school should be mindful of the specific needs of children and young people, either involved in or affected by complaints and ensure that it safeguards and promotes the rights and welfare of the child or young person concerned. The best interest of the child or young person should be paramount at all times.
- e. The Trust Directors sitting on the panel need to be aware of the complaints procedure.

## **5. Roles and Responsibilities**

### **5.1 The Role of the Clerk**

The Trust Directors complaints appeal panel may request clerking support. The clerk would be the contact point for the complaint and be required to:

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;

- collate any written material and send it to the parties in advance of the hearing (The complainant will be given the opportunity to provide any other evidence than that contained in the complaint letter);
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the panel's decision.

## **5.2 The Role of the Chair of the Local Governing Body**

During stage three the Chair of the Local Governing Body's role will be:

- To ensure that the correct procedure has been followed
- If the complaint is being referred to Stage Four, notify the clerk to arrange the Panel.

## **5.3 The Role of the Chair of the Directors Complaints Appeal Panel**

The Chair of the Panel has a key role, ensuring that:

- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made and that any issues not previously mentioned in writing should not be raised at the meeting and, if they are mentioned at the meeting, these should not be considered by the panel;
- parents/carers and others who may not be used to speaking at such a hearing are put at ease;
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- the panel is open minded and acting independently;
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- each side is given the opportunity to state their case and ask questions;
- written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

## **6. Notification of the Panel's Decision**

The Chair of the Panel needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

## **7. Checklist for a Panel Hearing**

The panel needs to take the following points into account:

- The hearing is kept on an informal basis.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The Executive Headteacher / Headteacher may question both the complainant and the witnesses after each has spoken.

- The Executive Headteacher / Headteacher is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the Executive Headteacher / Headteacher and the witnesses after each has spoken.
- The complainant must not make personal or derogatory comments about members of staff.
- The Chair of the Panel reserves the right to stop any participants if personal or abusive comments are made.
- Questions may be asked of either party; however, this is not the forum for personal comments about individuals.
- The complainant cannot raise any additional issues not previously submitted.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The Executive Headteacher / Headteacher is then invited to sum up the school's actions and response to the complaint.
- The Chair explains that both parties will hear from the panel within a set time scale.
- Both parties leave together while the panel decides on the issues.

## **8. Dealing with persistent complaints**

In the case of vexatious or persistent complaints, the Trust Board will inform the complainant in writing that the procedure has been exhausted and that the matter is now closed.

SL/MS  
16.09.14

**Please complete and return to ..... (Designated complaints co-ordinator) who will acknowledge receipt and explain what action will be taken.**

**Your name:**

**Student's name:**

**Your relationship to the student:**

**Address:**

**Postcode:**

**Day time telephone number:**

**Evening telephone number:**

**Please give details of your complaint.**

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

**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:**

**Date:**

Section 29 of the Education Act 2002 requires that:

- (1) The governing body of a maintained school (including a maintained nursery school) shall:
  - (a) establish procedures for dealing with all complaints relating to the school or to the provision of facilities or services under section 27, other than complaints failing to be dealt with in accordance with any procedures required to be established in relation to the school by virtue of a statutory provision other than this section, and
  - (b) publicise the procedures so established.
- (2) In establishing or publicising procedures under subsection (1), the governing body shall have regard to any guidance given from time to time (in relation to England) by the Secretary of State.

Section 39 of the Education Act 2002 provides the following:

“maintained school” means a community, foundation or voluntary school, a community or foundation special school or a maintained nursery school;

“maintained nursery school” means a nursery school which is maintained by a local education authority and is not a special school.