

# Complaints Policy

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**1. Policy**

- 1.1 The Federation aims to ensure that all complaints are dealt with efficiently, fairly and sympathetically, and at the appropriate level.
- 1.2 The Federation would never wish for a complainant to feel that a complaint would not be taken seriously, or that, in making a complaint, there would be a negative effect on their child.
- 1.3 The Federation will resolve all complaints in a transparent manner.
- 1.4 The Federation expects that most complaints can be resolved informally but guarantees to treat all complaints seriously and confidentially, whether raised informally or formally.
- 1.5 The Federation will make parents aware of the existence of this Complaints procedure through publication on the websites of academies which form the Federation. A hard copy can also be requested from the Federation.

**2. Legislation**

- 2.1 This Policy is compliant with Schedule 1, Part 7 of the Education (Independent School Standards) (England) Regulations 2010.

**3. Scope**

- 3.1 This Policy applies to all complaints other than the following, where separate procedures apply:
  - Child Protection issues;
  - Exclusions;
  - Appeals concerning Special Needs Assessments;
  - Appeals concerning Federation admissions;
  - Staff disciplinary matters and • Concerns relating to curriculum of a school or to its religious education.

**4. Stage 1 - Informal Complaints**

- 4.1 Most complaints where a complainant seeks intervention, reconsideration, or some other action to be taken, can be resolved informally. Examples might include dissatisfaction about some aspect of teaching, disciplinary matters (but not exclusions) and issues manifested outside the classroom. Parents/carers should raise the complaint initially with the class teacher, Head of Year, or any member of the Senior Leadership Team. An informal resolution will be sought through a meeting between the complainant and an appropriate member of staff.
- 4.2 Unresolved complaints: A complaint which has not been resolved by informal means should be submitted as a formal complaint in accordance with Stage 2 below.
- 4.3 Record of complaints: In the case of complaints raised under Stage 1, the only record of the complaint and its resolution will be file notes by the person dealing with the complaint and/or file correspondence between the person raising the concern and the respondent.
- 4.4 Timescales: Complaints should be raised **within 10 school days** of the matter concerned. The Federation aims for this Informal Stage to be completed **within 10 school days**. Any complaint

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received during a school holiday or within 10 working days of the end of term or half term may take longer to resolve.

**5. Stage 2 - Formal Complaints – Referral to the Principal**

- 5.1 **Notification:** An unresolved complaint under Stage 1, a complaint which needs investigation or a more serious dissatisfaction with some aspect of the Federation’s policies, procedures, management or administration, should be set out in writing using the Complaints Form (Appendix 1). This should include full details and be sent with all relevant documents and full contact details to the PA to the Principal of the relevant academy. If a formal written complaint is received by another member of the Federation’s staff, this should be immediately passed on to the Principal.
- 5.2 **Acknowledgement:** The complaint will be acknowledged in writing, normally **within 5 school days** of receipt during term time. When a complaint is submitted during the holidays, it will be responded to as if received on the first day of the next term. The acknowledgement will indicate the action that is being taken and the likely timescale for resolution, in accordance with this Policy as set out below.
- 5.3 **Investigation and resolution:** The Principal (or in case of complaints relating to the Federation as a whole, the Chief Executive Officer) will determine who has responsibility for responding to a formal complaint, including the decision about his/her own involvement. Subject to that proviso, the Chief Executive Officer/Principal may deal with the matter personally or delegate a senior member of staff to act as Investigating Officer. The Investigating Officer may request additional information from the complainant and will fully investigate the issue. The Investigating Officer may meet or speak with the complainant to discuss the matter. Unless unavoidable, members of the relevant Governing Body should not become involved at this stage to avoid prejudicing their possible future involvement. The Investigating Officer (if not the Principal) should make a recommendation of outcome to the Principal, who will in turn inform the complainant.
- 5.4 **Record of complaints:** Written records will be kept of any meetings and interviews held in relation to the complaint.
- 5.5 **Unresolved Complaints:** These will be referred to Stage 3 (see below).
- 5.6 **Timescales:** Complaints should be raised **within 10 school days** of the matter that arose which gave rise to the complaint, or within 10 working days of the conclusion of the Stage 1 process. The Federation aims to inform any complainant of the outcome of an investigation and the resolution to the complaint **within 30 school days** from receipt of the complaint. When a complaint is submitted during the holidays, it will be responded to as if received on the first day of the next term

**6. Stage 3 – Complaint Heard by the Chief Executive Officer**

- 6.1 **Request:** A request for a complaint to be heard by the Chief Executive Officer must be made in writing **within 10 school days** of the date of the Federation’s decision made at Stage 2. This request should be made to the PA to the Principal of the relevant academy including a copy of the original written complaint and also indicating which matters remain unresolved. No new complaint may be included. Upon receipt of the written complaint it will be forwarded to the Chief Executive Officer.

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- 6.2 Acknowledgement: Where a stage 3 complaint is received, the assistant to the CEO will acknowledge, in writing, receipt of the complaint and inform the complainant of the steps involved in the process. The assistant to the CEO will be the contact point for the complainant throughout the duration of this stage.
- 6.3 The CEO will meet with the complainant, and, depending on the nature of the complaint, may:
- Review the investigation carried out at Stage 2 by the Principal or Investigation Officer
  - Offer mediation between the complainant and academy
  - Reinvestigate the complaint
- 6.4 The CEO 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 and/or
  - Recommend changes to the Federation’s systems or procedures to ensure that problems of a similar nature do not recur.
- 6.5 The CEO will aim to meet with the complainant as soon as possible, **normally no later than 15 school days** after receipt of the Stage 3 complaint. The final decision should be communicated no later than **15 school days** after the meeting has taken place, so that the total time between the submission of a Stage 3 complaint and communication of the CEO’s findings is no more than **30 school days**.
- 7. Stage 4 – Complaint Heard by Governing Body Complaints Panel**
- 7.1 Request: A request for a complaint to be heard by the relevant<sup>1</sup> Governing Body Complaints Panel, hereafter referred to as the GBPC, (an Appeal) must be made in writing within **10 school days** of the date of the CEO’s decision made at Stage 3. This request should be made to the Principal (by letter) including a copy of the original written complaint and also indicating which matters remain unresolved. No new complaint may be included. Upon receipt of the written complaint it will be forwarded to the relevant members of the Governing Body.
- 7.2 Acknowledgement: Where an appeal is received, a Clerk to the GBPC will be appointed who will acknowledge, in writing, receipt of the appeal and inform the complainant of the steps involved in the process. The Clerk will be the contact point for the complainant throughout the duration of this stage.
- 7.3 Panel Hearing: The Clerk will aim to convene a GBPC Hearing as soon as possible, **normally no later than 20 school days** after receipt of the Stage 4 complaint. The final decision should be communicated no later than **10 school days** after the Hearing has taken place, so that the total time between the submission of a Stage 4 complaint Hearing and communication of the GBPC’s findings is no more than **30 school days**.

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<sup>1</sup> i.e. of the relevant academy

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- 7.4 Panel Membership: The Panel will consist of three Governors of the Governing Body who have not previously been involved in the complaint and by one member who is independent of the management and running of the school. In deciding the make-up of the Panel, Governors need to try and ensure that it is a cross -section of the categories of Governor and be sensitive to the issues of race, gender and religious orientation. The Panel will select its own Chair.
- 7.5 The GBCP 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 and/or
  - Recommend changes to the Federation’s systems or procedures to ensure that problems of a similar nature do not recur.
- 7.6 Attendance: In addition to the Panel itself (see 7.5), the following are entitled to attend the Hearing, submit written evidence and address the Panel:
- The complainant and/or one named representative;
  - The Principal and/or one named representative and
  - Any other person who the Complaints Panel considers to have a reasonable and just interest in the appeal and whose contribution would assist the Panel in their decision making.
- 7.7 Evidence: All parties will be given the opportunity to submit written evidence to the Panel in support of their position including:
- Documents;
  - Chronology and key dates and • Written statements setting out further detail of the issues.
- 7.8 All written evidence must be received by the Clerk no later than **5 school days** in advance of GBCP Hearing. The Clerk will distribute the evidence to all parties no later than **3 school days** in advance of the GBCP Hearing.
- 7.9 The evidence will be considered by the Panel along with the initial complaint.
- 7.10 The aim of the hearing, which will be held in private and on Federation premises, will always be to resolve the complaint and achieve reconciliation between the Federation and the complainant.
- 7.11 The panel will reach a decision, and make any recommendations within **10 school days** of the hearing, as noted in 7.3 above. The decision reached is final.
- 7.12 The Panel’s findings will be sent in writing to the Clerk and:
- Provided to the complainant and, where relevant, the person complained about;
  - Available for inspection on the school premises by the Chief Executive Officer, the Chair of Governors and the Principal;
  - The letter will state the reasons for the decision reached and include any recommendations made by the Panel.
- 7.13 The Role of the Clerk: All Panels considering complaints must be clerked. The Clerk is the contact point for the complainant and is required:

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- 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;
- To collate any written material and send it to the parties in advance of the Hearing;
- To meet and welcome the parties as they arrive at the Hearing;
- To record the proceedings and
- To notify all parties of the panel's decisions.

7.14 The Role of the Chair of the Governing Body or Nominated Governor: This is:

- To check that the correct procedure has been followed and
- If a hearing is appropriate, to notify the clerk to arrange the panel

7.15 The Role of the Chair of the 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 or prejudice;
- The offer of an interpreter is made if appropriate;
- The issues are addressed;
- Conjecture is challenged;
- Key findings of fact are made;
- Parents/carers or others who may not be used to speaking at such a Hearing are put at ease;
- The Hearing is conducted with each party treating others with respect and courtesy;
- The GBCP is open minded and acts 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 and
- Written material is seen by all parties.

7.16 Record Keeping: The Federation will keep a record of all hearings, decisions and recommendations of the GBCP. The record will include:

- Whether they are resolved following a formal procedure, or proceed to a panel hearing; and
- Action taken by the school as a result of those complaints (regardless of whether they are upheld); and
- Provide correspondence, statements and records relating to individual complaints are kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act request access to them.

**8. Stage 5 – Referral to the Secretary of State**

8.1 If the complainant remains dissatisfied following Stage 4, then they have the right to raise the matter with the Secretary of State or the Department for Education through the routes described by the Education Skills Funding Agency.

**9. Complaints against the Principal**

9.1 In the first instance, the complainant should write to the Chief of Staff at [cos@mossbourne.org](mailto:cos@mossbourne.org). This is stage 1 of this formal complaints procedure. The Chief of Staff will forward the complaint to the Chief Executive Officer.

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- 9.2 The Chief Executive Officer will arrange to meet with the complainant **within 20 school days**, unless there are exceptional reasons which require a more urgent meeting, or unless the Chief Executive Officer and the complainant agree that there are sensible reasons for a longer delay.
- 9.3 If, following that meeting, the complainant wishes to pursue the complaint, the Chief Executive Officer will either investigate the matter themselves, or appoint an appropriate person to act as the investigating officer. After the investigation, the Chief Executive Officer will write to the complainant setting out their conclusions and the proposed course of action **within 10 school days** of the meeting.
- 9.4 If still dissatisfied, the complainant should then write to the Chair of the Governing Body **within 10 school days**, indicating their desire to complain further. This is Stage 2 of this formal complaints procedure.
- 9.5 The Chair of the Governing Body will arrange to meet with the complainant **within 20 school days**, unless there are exceptional reasons which require a more urgent meeting, or unless the Chair of the governing Body and the complainant agree that there are sensible reasons for a longer delay.
- 9.6 If, following that meeting, the complainant wishes to pursue the complaint, the Chair of the Governing Body will write to the complainant setting out their conclusions and the proposed course of action **within 10 school days** of the meeting.
- 9.7 If still dissatisfied, the complainant should then write to the Chair of the Governing Body **within 10 school days**, indicating their desire to complain further. This is Stage 3, and the final stage, of this formal complaints procedure.
- 9.8 The Chair of the relevant Governing Body will then convene a GBCP, which must include no fewer than three Governors, excluding both the Chief Executive Officer and any Governors who have been involved in the process. It will be chaired by the Chair of the relevant Governing Body. The panel may meet, individually or jointly, with the Principal and the complainant as part of their discussions, at their discretion. This panel will meet **within 20 school days** of the Chair of the Governing Body receiving the written complaint.
- 9.9 The GBCP will report back formally **within 10 school days** of hearing the complaint and the Chair of the Governing Body will write to the complainant concerned directly. The decision reached is final.
- 10. Complaints against the Chief Executive Officer**
- 10.1 In the first instance, the complainant should write to the Clerk of the Central Governing Body. This is stage 1 of this formal complaints procedure. The Clerk will forward the complaint to the Chair of the Central Governing Body.
- 10.2 The Chair of the Central Governing Body will arrange to meet with the complainant **within 20 school days**, unless there are exceptional reasons which require a more urgent meeting, or unless the Chair of the Central Governing Body and the complainant agree that there are sensible reasons for a longer delay.

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- 10.3 If, following that meeting, the complainant wishes to pursue the complaint, the Chair of the Central Governing Body will write to the complainant setting out their conclusions and the proposed course of action **within 10 school days** of the meeting.
- 10.4 If still dissatisfied, the complainant should then write to the Chair of the Governing Body **within 10 school days**, indicating their desire to complain further. This is Stage 2, and the final stage, of this formal complaints procedure.
- 10.5 The Chair of the Central Governing Body will then convene a GBCP, which must include no fewer than three Governors, excluding any Governors who have been involved in the process. It will be chaired by the Chair of the Central Governing Body. The panel may meet, individually or jointly, with the Chief Executive Officer and the complainant as part of their discussions, at their discretion. This panel will meet **within 20 school days** of the Chair of the Governing Body receiving the written complaint.
- 10.6 The GBCP will report back formally **within 10 school days** of hearing the complaint and the Chair of the Governing Body will write to the complainant concerned directly. The decision reached is final.

## 11. Complaints against the Governors

- 11.1 In the first instance, the complainant should write to the Clerk of the Central Governing Body. This is stage 1 of this formal complaints procedure. The clerk will decide who is best placed to hear the complaint. This may be the Chair of the relevant Governing Body, the Chair of the Central Governing Body or one of the Federation Trustees. This person will be delegated as the Investigating Officer.
- 11.2 The Investigating Officer will arrange to meet with the complainant **within 20 school days**, unless there are exceptional reasons which require a more urgent meeting, or unless the Investigating Officer and the complainant agree that there are sensible reasons for a longer delay.
- 11.3 If, following that meeting, the complainant wishes to pursue the complaint, the Investigating Officer will write to the complainant setting out their conclusions and the proposed course of action **within 10 school days** of the meeting.
- 11.4 If still dissatisfied, the complainant should then write to the Clerk of the Governing Body **within 10 school days**, indicating their desire to complain further. This is Stage 2, and the final stage, of this formal complaints procedure.
- 11.5 The Clerk to the Central Governing Body will then convene a GBCP, which must include no fewer than three members, excluding any Governors who have been involved in the process. Depending on the nature of the complaint, the panel may include Federation Governors, Federation Trustees or members independent of the running and operation of the Federation – for example, Governors from another school. The panel will select its own chair. The panel may meet, individually or jointly, with the all relevant parties as part of their discussions, at their discretion. This panel will meet **within 20 school days** of the Clerk to the Governing Body receiving the written complaint.
- 11.6 The GBCP will report back formally **within 10 school days** of hearing the complaint and the Chair of the Complaints Panel will write to the complainant concerned directly. The decision reached is final.

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**12. Vexatious or serial complaints**

12.1 A vexatious complainant is defined as one who complains about or who frequently raises issues that they believe to be within the remit of the academy, and whose behaviour is unreasonable. Such behaviour may be characterised by one or more of the following:

- a) actions which are obsessive, persistent, harassing, prolific, repetitious;
- b) prolific correspondence or excessive e-mail or telephone contact about a concern or complaint;
- c) requests for information which are excessive and unreasonable;
- d) an insistence upon pursuing unsubstantial complaints and/or unrealistic or unreasonable outcomes;
- e) an insistence upon pursuing complaints in an unreasonable manner;
- f) an insistence on only dealing with the Principal, on all occasions, irrespective of the issue and the level of delegation in the school to deal with such matters;
- g) a repeated failure, even upon being asked, to follow the academy’s complaints policy;
- h) an insistence upon repeatedly pursuing a complaint when the outcome is not satisfactory to the complainant but which cannot be changed: for example, if the desired outcome is beyond the remit of the academy because it is unlawful.

The actions the academy will take under these circumstances are set out in its Policy for Dealing with Vexatious Complaints. A copy is available on request from the academy, is on each academy’s website, and will be forwarded to any complainant at the point at which academy staff are concerned that a complainant is becoming vexatious.

**13. References**

[http://media.education.gov.uk/assets/files/pdf/p/june%20efa\\_academiescomplaintsprocedure\\_june12\\_4%200.pdf](http://media.education.gov.uk/assets/files/pdf/p/june%20efa_academiescomplaintsprocedure_june12_4%200.pdf)

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**Appendix 1            Complaints Form**

Please complete and return to the PA to the Principal of the relevant academy who will acknowledge receipt and explain the complaints process.

Name	
Address	
Telephone number (day)	
Telephone number (evening)	
Name of student	
Relationship to the student (if relevant)	
Brief details of complaint	
Action taken, if any, to seek to resolve the complaint? (e.g. Who has been spoken and what was the response?)	
Please note any possible actions that might in your opinion resolve the problem at this stage.	
Please list the title of any relevant further information that is attached. <u>Note:</u> Any evidence or information will be formally acknowledged.	
Signature(Complainant)	
Date	

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## Appendix 2 Model Procedure for Conducting a Stage 3 Governing Body Complaints Panel (GBCP) Hearing

- 1 The Chair of the Committee should invite all parties (except any witnesses) into the room, introduce them and explain the role of each person.
- 2 The Chair should explain to all present that the purpose of the Hearing is to review the complaint and try to resolve it and achieve reconciliation between the Federation and the complainant. However, it may only be possible to establish the facts of a situation and make recommendations about future action.
- 3 The Chair should then ascertain whether the proposed procedure is acceptable. If so, the meeting will proceed along the following lines:
  - The complainant will describe her/his complaint and may call witnesses;
  - The Principal may seek clarification from the complainant and any witnesses;
  - The GBCP or its advisers may seek clarification from the complainant and any witnesses;
  - The Principal will respond to the complaint and may call witnesses;
  - The complainant may seek clarification from the Principal and any witnesses;
  - The GBCP (including any advisers) may seek clarification from the Principal and any witnesses;
  - The Principal will be given the opportunity to sum up;
  - The complainant will be given the opportunity to sum up and
  - Both parties will leave the room to allow the GBCP to deliberate but any advisers may remain to offer technical and procedural advice.
- 4 The GBCP should make a decision or judgement on:
  - The validity of the complaint;
  - The propriety of action taken by the Federation and/or complainant and
 Where appropriate, the GBCP should also make recommendations on changes to the Federation's systems or procedures to ensure similar problems do not arise in the future.
- 5 The decision or judgement will be confirmed in writing **within 10 working days**.

NB If there is more than one complainant this procedure should be followed for each one in turn, unless the complainants agree to the complaints being held consecutively.

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