

Complaints Policy



Policy last reviewed December 2016

Description: This policy relates to complaints about the educational work of the academy and typically applies to complaints made by parents and carers of students although it may be used by anyone who has contact with the academy. It does not relate to matters which are governed by employment legislation or those where the principle of civil contract law would normally apply, eg, services/contracts entered into with the academy.

Implementation Date: December 2016

1. Policy Statement

- 1.1. At KAA we all work very hard to build positive relationships with parents, carers and the community. Our aim is to deal with issues and problems before they become a formal 'complaint'. We will try to resolve problems informally wherever possible. A timely effective response and appropriate redress will be provided to all complaints as swiftly as possible, dependent upon the complexity of the issues involved.

2. Statutory Obligations

- 2.1. Complainants should be aware that there is a complaints procedure and copies of this policy will be available on the academy's website.
- 2.2. If the process results in an appeal to the governing body, the procedure is statutory¹.

3. Dealing with complaints

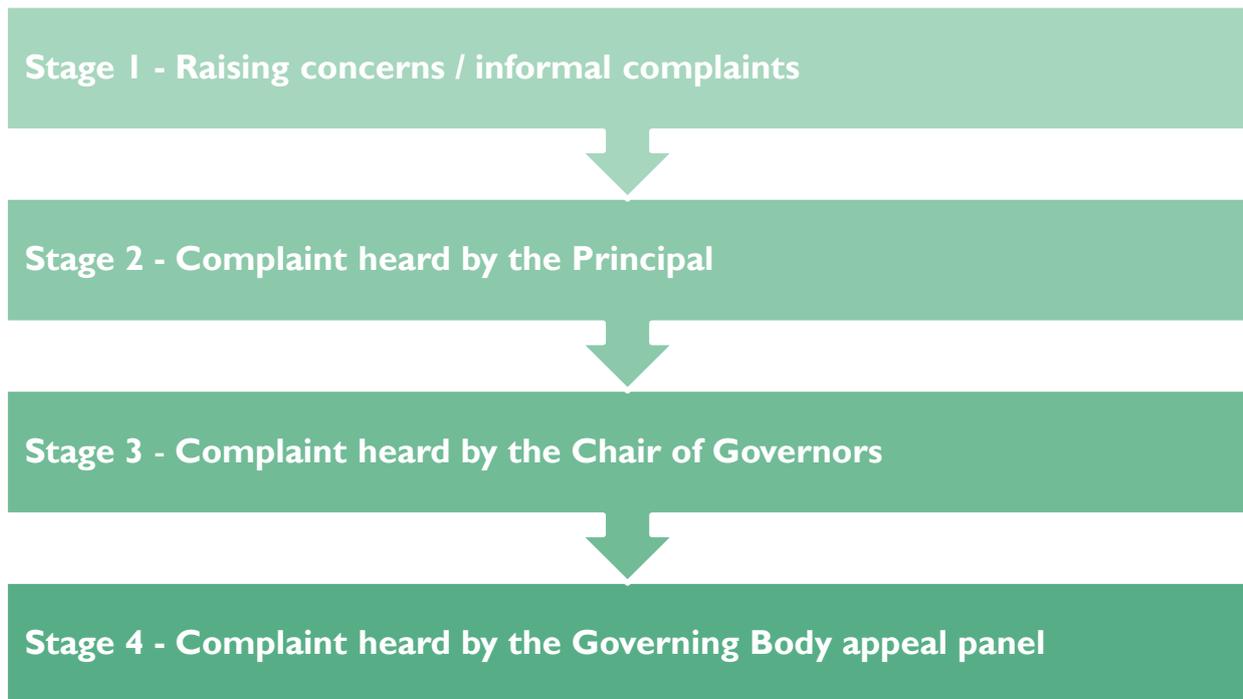
- 3.1. At each stage, the person investigating the complaint will ensure that they:
- Clarify the nature of the complaint and unresolved issues
 - Clarify what the complainant feels would put things right
 - Interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
 - Keep notes of any interview(s) held
- 3.2. At each stage, the person investigating the complaint will seek ways to resolve the complaint satisfactorily. It may be appropriate to offer one or more of the following:
- An acknowledgement that the complaint is valid in whole or in part and/or acknowledgement that the situation could have been handled differently or better (this is not the same as an admission of negligence)
 - An apology
 - An explanation
 - An assurance and an explanation of the steps that have been taken to ensure that it will not happen again
 - An undertaking to review academy procedures in light of the complaint

¹ Schedule 1, paragraph 7, The Education (Independent School Standards) (England) Regulations 2010

3.3. All complaints will be recorded. The Principal is responsible for ensuring that complaints and outcomes are recorded.

- Records relating to individual complaints are confidential, except where the secretary of state or a statutory body² conducting an inspection requests access to them.
- The governing body will monitor the level and nature of complaints and review the outcomes on a regular basis.

4. Complaints procedure



4.1. **Stage 1: Informal complaints** – verbal informal complaints may be made to teachers, usually at the end of the school day or to the Principal by appointment. A verbal or written response may be given to an informal complaint, usually within 2 working days. It is in everyone’s interest that complaints are resolved at the earliest possible stage. Experience shows that the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate, to that end staff should be made aware of the procedures and know what to do when they receive a complaint.

If the complainant is unsatisfied of the response at stage 1, a written complaint should be made to the Principal within 10 working days.

4.2. **Stage 2: Complaint reviewed by the Principal** - if someone wants to make a formal complaint, they must adhere to the following procedure.

The complaints should be sent to the Executive Assistant to the Principal, Melanie Rieder at m.rieder@kaa.org.uk. The complainant will write to the academy with details of:

- The complaint
- Any attempts they made to raise/resolve the complaint (who they spoke to and when)
- Actions they feel might resolve the problem
- Any staff they would prefer not to discuss the issue with.

² Under section 163 of the Education Act 2002

A staff member (not the subject of the complaint) nominated by the Principal will acknowledge the complaint within five working days of it being lodged. Following the investigation, the academy will aim to provide a response within 10 school working days. The time scale may be extended if the nature of the complaint is judged by the Principal to be of a complex nature.

If the complainant is unsatisfied of the response at stage 2, a written complaint should be made to the Chair of Governors within 10 working days of getting the response at Stage 2.

In exceptional circumstances parents/carers may wish to complain about the Principal where issues have been raised and not resolved in a way which is satisfactory to the parent/carer. Where a complaint regards the Principal the complainant should first directly approach the Principal in an attempt to resolve the issue informally. If the matter cannot be resolved informally the correct procedure is for the complainant to write to the Chair of Governors. The Stage 3 process will then commence, but with the chair of governors as the individual responsible for the investigation.

Where a complaint regards a governor, the same process applies as for the Principal. Where a complaint concerns the Chair of Governors, the individual should contact the clerk to the governors. Informal resolution will be sought, but where this fails, the complaints procedure at Stage 3 will take immediate effect.

- 4.3. **Stage 3: Complaint reviewed by the Chair of Governors** - the complainant will need to give details of their previous communication and the reason why they are still not satisfied. The academy will acknowledge the complaint within 5 working days of receiving it and a meeting may be convened to discuss the matter further. Following an investigation, the Chair of Governors will aim to provide a written response within 20 school working days of sending out the acknowledgment.

If the complainant is unsatisfied of the response at stage 3, a letter asking that the complaint is put before the Governing Body appeal panel should be sent to the Clerk of Governors within 10 working days of getting the response at Stage 3.

- 4.4. **Stage 4: Complaint heard by the Governing Body appeal panel** – the complaint will be acknowledged within 5 working days of receiving it. The governors will convene a complaints panel which will normally take place within 20 days. Every effort will be made to deal with complaints expeditiously.

KAA reserves the right to deny investigation of any complaints which are considered to be vexatious, malicious or those relating to a previous complaint that has already been investigated and resolved.

4.4.1. Constitution of the panel

The Clerk to the Governing Body will convene a complaints panel:

- The panel will consist of at least three people
- At least one of the members of the panel must be independent of the management and running of the academy
- No member can have been directly involved in previous consideration of the complaint
- The panel nominates a chair
- Individual complaints must not be heard by the whole governing body at any stage

4.4.2. Remit of the 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 academy's systems or procedures to ensure that problems of a similar nature do not recur

4.4.3. Proceedings of the panel

- The appeal will be closed to the public
- The complainant may attend and be accompanied
- Witnesses will only be required to attend for the part of the hearing in which they give their evidence
- The panel may ask questions at any point
- The panel will deliberate in private
- The panel will inform the complainants of the decision in writing as quickly as possible and in no more than five working days
- The decision of the appeal panel is final

4.4.4. Role of the Clerk to the Governors

The Clerk to the Governors will be the contact point for the complaint and will be required to:

- Set the date, time and venue of the hearing
- Collate any written material and send it to the parties in advance of the hearing
- Record the proceedings
- Notify parties of the panel's decision

4.5. If the complainant feels that the academy has acted 'unreasonably' in the handling of the complaint, they can complain to the Department for Education after the complaints procedure has been exhausted. Please note that unreasonable is used in a legal sense and means acting in a way that no reasonable school or authority would act in the same circumstances. For more information, please consult <https://www.gov.uk/complain-about-school>

5. Dealing with persistent complaints

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

6. Responsible person

6.1. The person in charge of co-ordinating the complaints at the academy is the Principal. The role of the Governors arises only in respect of appeals where the complainant remains dissatisfied with attempts to resolve the issue of complaint.

7. Timeframes

7.1. The academy will endeavour to abide by timeframes stated under each stage but acknowledges that in some circumstances, this is not always possible due to the complexity of information needed to review a complaint or difficulties regarding individual's availability to deal with the complaint, for example. If it becomes apparent that it is not possible to complete any stage of the complaints procedure within a given timeframe, the individual responsible for handling the complaint will contact the complainant as soon as possible and come to an agreed timeframe that works for all parties involved.

7.2. The academy reserves the right not to investigate complaints that have been made three months after the subject of the complaint took place, except in exceptional circumstances. What is meant by

exceptional circumstances is where new evidence has come to light, where the complaint is of an especially serious matter or where there is reasonable justification for why the complainant has been unable to raise the complaint before this time. The Principal will review the situation and decide whether or not to enact the complaints procedure, informing the chair of the governors of the decision.

8. The Board of Governors

8.1. If you would like to contact anyone from the Board of Governors, please email the Clerk to Governors, Elizabeth Dawson, at Elizabeth.Dawson@Aldridgeeducation.org.

9. Safeguarding

9.1. Wherever a complaint indicates that a child's wellbeing or safety is at risk, the academy or the Trust is under a duty to report this immediately to the local authority. Any action taken will be in accordance with the academy's safeguarding policy details of which can be found on the relevant academy website.

10. Social Media

10.1. In order for complaints to be resolved as quickly and fairly as possible, we request the complainants do not discuss complaints publicly via social media such as Facebook and Twitter. Complaints will be dealt with confidentially for those involved, and we expect complainants to observe confidentiality also.

11. Staff Handbook

11.1. Any member of staff receiving a complaint, either verbal or written should refer to the relevant section in the staff handbook before attempting to deal with the matter.

12. Complaints to Aldridge Education

12.1. Where a complaint is made direct to Aldridge Education, it will be logged by the Clerk to the Governors and forwarded to the academy.

13. Relevant legislation and guidance

- The Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/contents>
- The Data Protection Act 1998 <http://www.legislation.gov.uk/ukpga/1998/29/contents>
- The Education (Independent School Standards) Regulations 2014
<http://www.legislation.gov.uk/uksi/2014/3283/contents/made>
- Education Act 2002 <http://www.legislation.gov.uk/ukpga/2002/32/contents>
- The Department for Education *Best Practice advice for school complaints procedures*
<https://www.gov.uk/government/publications/school-complaints-procedures>