

ERASMUS DARWIN ACADEMY

Policy Title:	Complaints
Policy Reference:	C5
Version:	1.5
Member of Staff Responsible:	Principal
Status:	Statutory
Date adopted by governing body:	12 th February 2019 (No change)
Date for review:	February 2021
Date reviewed:	5 th July 2012 5 th September 2013 28 th November 2013 4 th September 2014 19 th March 2015 17 th January 2017

Change Record		
Version	Date	Description
1.1	5 th September 2013 (full Gobs)	Changes to EFA contact details & review schedule (annual instead of termly)
1.2	9 th October 2013 (Comm Cttee) (delegated authority) 28 th November 2013 (full Governors)	Deadline added to Stage 3
1.3	4 September 2014 (FGB)	Addition of Stage 3 – Chair of Governors hearing
1.4	19 March 2015 (FGB)	Addition of 'Local Authority' to Background section
1.5	17 January 2017	Amendment to Section 3

“Erasmus Darwin Academy promotes the safeguarding and welfare of children in its care; all policies support the “Safeguarding Policy”.

Complaints

1. Background

This policy covers all matters relating to the life of the Academy (except admissions, exclusions, child protection allegations and Local Authority Statutory Assessment of Special Educational Needs, as there are separate statutory arrangements for them). The policy includes complaints related to the curriculum and religious worship. Allegations of abuse against staff are covered by a separate policy.

This policy is available on request to parents of students of the Academy. While students may, themselves, raise concerns, complaints to the Academy will be through parents. Please note that external agencies, such as the police or social services, will be notified of a complaint, where appropriate.

2. Introduction

The main purpose of a complaints procedure is to solve problems and to give parents a means to raise issues of concern and have them addressed. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally.

Complainants should be treated respectfully during and after the course of any complaints investigation. All members of staff should be aware of the complaints procedure and understand:

- The importance of attempting to resolve problems before they become formal complaints
- The importance of treating complaints respectfully

The majority of issues raised by parents are concerns rather than complaints. Erasmus Darwin Academy is committed to taking concerns seriously in the hope of keeping the number of formal complaints to a minimum and without recourse to formal procedures. However, in those instances where a parent does not feel a concern has been addressed, or it is of sufficient gravity, the Academy's formal complaints procedure should be used. The prime aim of the Academy's policy is to resolve the complaint as fairly and speedily as possible. Formal complaints will be dealt with in a sensitive, impartial, timely and confidential manner.

3. The Processes

EXPRESSING CONCERNS

Concerns can be raised with the Academy at any time and will often generate an immediate response which will resolve the concern. Apart from the Academy's Parental Consultation Evenings, or other arranged meetings with specific staff, the Academy requests that contact is first made with the appropriate staff member. For pastoral matters, this could be the students' tutor or the Student Inclusion Zone (SIZ) staff. For curriculum matters, the teacher or the Faculty Leader should be contacted. On some occasions, the concern raised may require investigation or discussion with others, in which case there will be an informal but informed response **within two working days**. It is anticipated that the vast majority of concerns will be satisfactorily dealt with in this way.

FORMAL COMPLAINTS

Action through a complaints procedure may lead to action being initiated under other procedures. This may be disciplinary or child protection procedures and consideration should be given to this possibility at the earliest stage. In these cases the publicised complaints procedure will be suspended until action under the other procedures (including appeals) has been concluded. The complainant should be advised if this is the case and also informed of the likely delay in the final resolution of their complaint.

The following details outline the stages that should be used to resolve parental complaints.

Stage 1 - The Academy receives a formal complaint either in person, by telephone or in writing. A proforma complaints form can be found at Appendix 1. If the matter is not resolved, the complaint progresses to:

Stage 2 - The Principal hears the details of the complaint and arranges a further investigation. If the matter is still not resolved, the complaint progresses to:

Stage 3 – Complaint heard by the Chair of Governors. If the matter is still not resolved then the complaint progresses to:

Stage 4 - The Governing Body's Complaints Panel for a formal hearing of the complaint.

Stage 1 – Making a Complaint

A complaint may be made in person, by telephone or in writing to the Complaints Co-ordinator who will co-ordinate the complaint. Should the complaint be received in person or verbally, the complainant will be asked to complete the complaints form at Appendix 1. The Complaints Co-ordinator will log the complaint, including the date it was received and the subject matter, who made the complaint and the dates for any meetings and responses (also see Section 4: Recording Complaints below). The Complaints Co-ordinator will forward the complaint to an appropriate senior member of staff to investigate, as required. The Academy, through the Complaints Co-ordinator, will normally acknowledge receipt of the complaint **within two working days** of receiving it. In many cases, this response will also report on the action the Academy has taken to resolve the issue. Alternatively, a meeting may be convened to discuss the matter further. This meeting will normally take place **within five working days** of the receipt of the formal complaint but, in any case, within no more than ten working days. If, on the other hand, it is felt that the matter is too serious to be dealt with at this stage, the matter will be passed directly to the Principal (see Stage 2 below). The aim throughout is to resolve the matter as speedily as possible.

Stage 2 – Complaint heard by the Principal

If the matter has not been resolved at Stage 1, or it is felt that the matter is too serious to be dealt with at Stage 1, the Principal or another designated member of the Senior Leadership Team will undertake a further investigation (but Principal to make decision on action to be taken). As part of this investigation, a meeting may be convened to discuss the matter further. This meeting will normally take place **within five working days** of the receipt of the formal complaint but, in any case, within no more than ten working days. Following the investigation, the Academy will normally give a **verbal or written response within five working days but, in any case, within no more than 10 working days.**

NB. Please note that, in cases where a complaint concerns the Principal, the complainant should be referred to the Chair of Governors who will arrange for the matter to be further investigated. The Principal will be informed of the complaint. The Academy will normally give a response **within five working days** but, in any case, within no more than 10 working days.

Stage 3 – Complaint heard by Chair of Governors

If the complainant is not satisfied with the response of the Principal or the complaint is about the Principal, the complainant may write to the Chair of Governors to request that their complaint is considered further.

Stage 4 – Complaint heard by Governing Body Complaints Panel

If the matter has not been resolved at Stage 3, the Academy will advise the complainant of the right to refer to the Governing Body. Complainants will be asked to put the complaint in writing for the attention of the Clerk to Governors, asking for the matter to be considered by the Governing Body Complaints Panel with delegated powers to hear complaints.

The complainant must submit their reasons for further complaint in writing to the Clerk to Governors within 15 working days of receiving the response from the Chair of Governors at Stage 3.

The nominated Governor (Vice Chair) will convene a Governing Body Complaints Panel.

The panel will consist of three members, including one who is independent of the management and running of the Academy and none of whom would have had any previous dealings with the complaint. The Governing Body Complaints Panel will convene **within 15 working days** of receipt of the complaint, or as soon as practicable thereafter. Parents will be invited to attend the panel hearing and, if they wish, to be accompanied.

The Governing Body Complaints Panel will acknowledge receipt of the appeal, normally within **two working days**, clearly stating the Governors' understanding of the main points of complaint, giving the complainant opportunity to clarify if they do not agree and explaining how the complaint will proceed.

The aim of the Governing Body Complaints Panel hearing is to impartially resolve the complaint and to achieve reconciliation between the Academy and the complainant.

OUTCOMES

Both parties are informed of the decision in writing no later than **seven working days** after the hearing. The panel will make findings and recommendations available by electronic mail or otherwise given to the complainant and, where relevant, the person complained about and made available for inspection on the school premises by the proprietor and the Principal. The response will cover:

- The complaint
- The scope of the investigation
- The conclusion of the investigation
- Any action which has resulted

The complainant may also be offered the opportunity to discuss the response.

The aim of the investigation or review 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 governors do not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his/her complaint has been taken seriously.

IF THE INVESTIGATION UPHOLDS THE COMPLAINT, redress should be appropriate to the complaint and may include:

- An appropriate expression of regret
- Providing the solution desired by the complainant
- Changing the procedures to avoid future problems

The school will take responsibility for:

- Deciding who can take remedial action
- Ensuring that the remedy is carried out
- Ensuring that any remedy is within the school's powers
- Ensuring the approach to remedies is reasonable and consistent

WHERE A COMPLAINT IS NOT UPHOLD, the complainant must be given a response and informed of any further action that might be appropriate in their situation.

The decision of the panel of Governors will be binding on the Principal, Chair of Governors and the Academy. If the complaint is a curricular one and the complainant is dissatisfied with the outcome, she or he may refer the matter to the DfE on the grounds that the Governing Body has behaved unreasonably.

Once a Governors' Complaint Panel has heard a complaint, and it is clear that correct procedures have been followed, that specific complaint cannot be reopened. If a request is received in this respect, the Chair of Governors should inform the complainant that the matter is closed.

Should an investigation into a complaint lead to disciplining a member of staff, those involved in the investigation or hearing will not participate in the disciplinary action that may follow in order to secure natural justice.

4. Education Funding Agency (EFA)

The Governing Body Complaints Panel hearing is the last Academy-based stage of the complaints process. If a complainant feels that the complaint is still unresolved, they should contact the Education Funding Agency (EFA).

Complaints about Academies should be made in writing to the Department for Education, Castle View House, East Lane, Runcorn, Cheshire, WA7 2GJ or by email: academy.questions@education.gsi.gov.uk

The EFA will investigate complaints about:

- Undue delay or non-compliance with complaints procedures;

- An Academy's failure to comply with a duty imposed on it under its Funding Agreement with the Secretary of State or
- An Academy's failure to comply with any other legal obligation, except in cases where there is another organisation better placed to consider the matter.

To access the EFA's procedures:

- Go to the 'Complaints about Academies' page on the Department for Education's website: <http://www.gov.uk/df>
- Write to the Department for Education, Castle View House, East Lane, Runcorn, Cheshire, WA7 2GJ

5. Recording Complaints/Keeping Records

At the end of a meeting or telephone call, the Complaints Co-ordinator should ensure that the complainant and the Academy have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls should be kept and a copy of any written response added to the complaint record/file. The Investigating Officer is responsible for holding such records securely and confidentially.

Written records will be kept of all complaints and the stage at which they were resolved. All correspondence, statements and records of complaints are to be kept confidential except where legal obligations prevail.

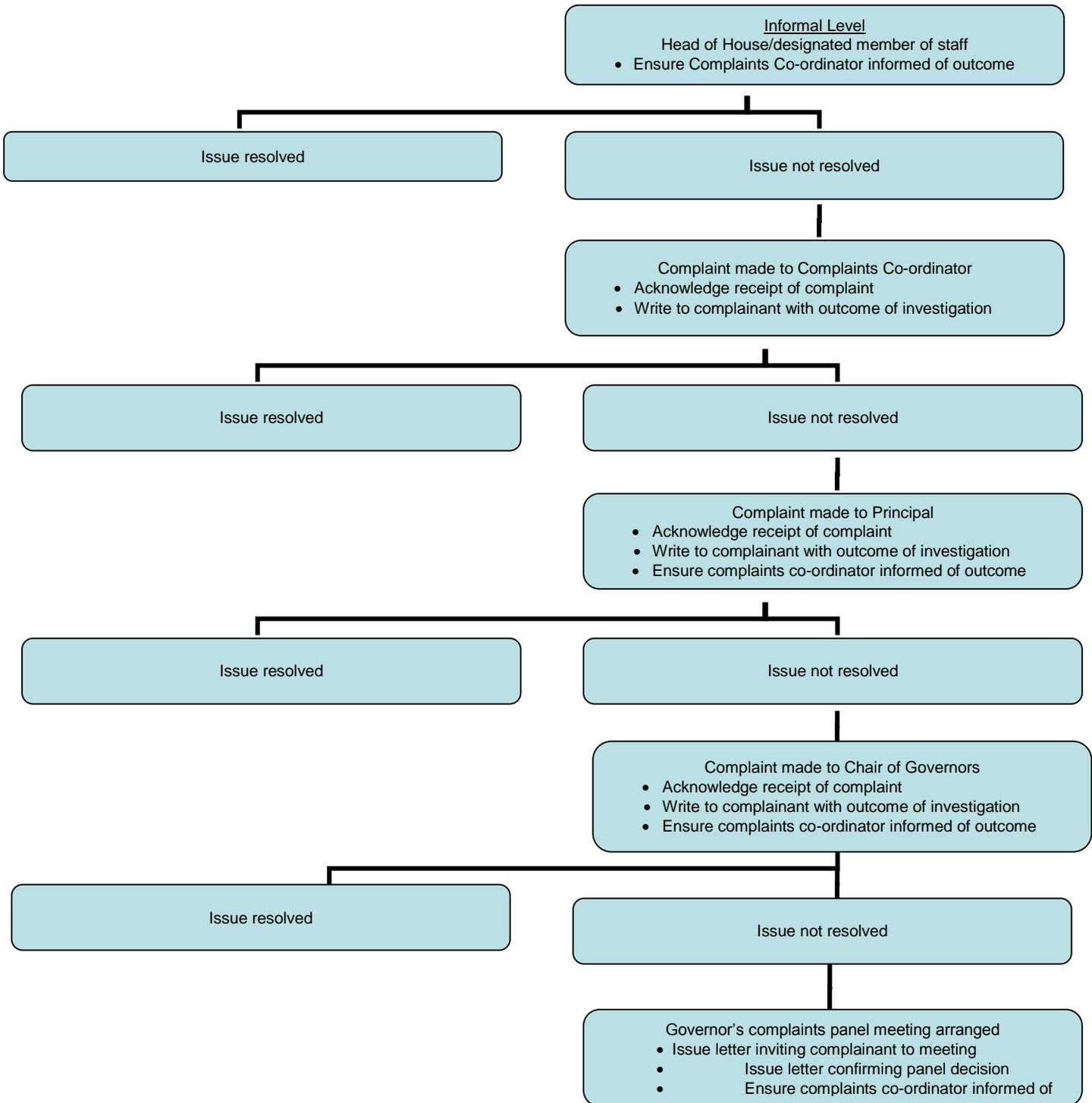
6. Monitoring, Evaluation and Review

The number, type and stage of resolution of complaints are reported to the Senior Leadership Team and Governing Body on an annual basis. Complaints information shared with the full Governing Body will not name individuals.

The Governing Board will review this policy at least every two years and assess its implementation and effectiveness. The policy will be promoted and implemented throughout the Academy.

See next page for flow chart

SUMMARY OF DEALING WITH COMPLAINTS



ERASMUS DARWIN ACADEMY

Complaint Form

Please complete and return to the Complaints Co-ordinator. Receipt will be acknowledged together with an explanation of what action will be taken.

Your name:
Student's name & Tutor Group:
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:

Annex 1: Complaints Appeals Procedure

Complaint Heard by Governing Board Complaints Panel

If the complainant is still dissatisfied after completing Stage 3 of the Complaints policy, he/she will be advised to write to the Clerk to Governors, giving details of the complaint. The nominated Governor (Vice Chair), will convene a Governing Board Complaints Panel, none of whose members will have been directly involved in previous consideration of the complaint.

The panel of Governors will consist of three members; two Governors and one member who is independent of the management and running of the Academy. The complaints panel will convene **within 15 working days** of receipt of the complaint, or as soon as practicable thereafter. The panel will choose their own Chair.

The Governing Board Complaints Panel hearing is the last Academy-based stage of the complaints process and is not convened to merely rubber-stamp previous responses to the complaint.

Individual complaints would not be heard by the whole Governing Board 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.

Written evidence will be circulated to both parties and members of the Panel in advance of the meeting and the procedure will be as follows:

1. Introductions by the Chair of the Panel.
2. Complainant makes statement of complaint and background.¹
3. Questions to complainant by the Principal/Chair of Governors and members of the Panel.
4. Principal/Chair of Governors makes statement.
5. Questions to Principal/Chair of Governors by complainant and members of the panel.
6. Principal/Chair of Governors makes final statement.
7. Complainant makes final statement.
8. Interested parties withdraw from the meeting and the Panel reaches a decision on whether the complaint is upheld or rejected. In either case, the Panel may call for certain action to be taken by the Academy.
9. Both parties are informed of the decision no later than seven working days after the hearing. The letter will also contain details of any further rights of redress as detailed. See below.

¹ In presenting its case, each party may call witnesses who could be questioned by the other side and members of the panel.

The Remit of the Governing Board Complaints 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.

There are several points which any governor sitting on the Governing Board Complaints Panel needs to remember:

- a. It is important that the hearing is independent and impartial and that it is seen to be so. No governor may sit on the Panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. 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 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 Academy 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. The panel should acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents 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. Where the complainant is a parent they should be allowed to attend the Panel hearing, and, if they wish, to be accompanied. It would be helpful to give the parent the opportunity to say which parts of the hearing, if any, they feel a student needs to attend.
- e. The governors sitting on the Panel need to be aware of the complaints procedure.

Roles and Responsibilities

The Role of the Clerk

The Clerk is the contact point for the complainant and 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 (recommended at least five school days in advance);
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the Panel's decision.

As best practice, the Clerk should share copies of the panel meeting minutes with all parties involved in the panel hearing, providing a reasonable opportunity for the minutes to be agreed and if necessary, challenged.

The Role of the Nominated Governor

The Nominated Governor:

- checks that the correct procedure has been followed;
- if a hearing is appropriate, notifies the Clerk to arrange the Panel.

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;
- the issues are addressed;
- key findings of fact are made;
- parents 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;
- a written record is kept.

Notification of the Panel's Decision

The Chair of the Panel must ensure that the complainant is notified of the Panel's decision in writing (including the reasons for the decision) **within seven working days** of the date of the hearing. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.