



Marden Primary Academy

Complaints Procedure

Review date: Summer 2018

Next review: Summer 2021

KEY STAFF

HEAD TEACHER	MISS M NEWTON
CHAIR OF GOVERNORS	MR MICHAEL WILLIAMS
CLERK TO GOVERNORS/ COMPANY SECRETARY	MRS ELIZABETH BEECHAM
DEPUTY HEAD TEACHER	MRS ZOE RUDGE

ACADEMY COMPLAINTS PROCEDURES

The Education Funding Agency (EFA) requires that all Academies have a published procedure for dealing with complaints by parents or pupils, which must be made available on request.

DEALING WITH COMPLAINTS – INFORMAL STAGE

It is important for Academies and governing bodies to differentiate between concerns and complaints and in both cases to keep procedures for dealing with them as informal as possible.

Academies need to be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.

All concerns will be taken seriously in order to establish an effective partnership between the Academy and the parents and should be dealt with promptly so that they can be resolved swiftly at the time. Occasionally there may be complaints where the individual complainant does not wish to be identified at the preliminary stage. As far as possible, these should be dealt with under this procedure. However there may be circumstances where confidentiality cannot be guaranteed because of the seriousness of the complaint. In addition, the wish of the individual complainant to remain anonymous may limit the ability of the Academy to fully investigate the nature of the complaint or take any action once an investigation is complete. The complainant should be informed if their desire for confidentiality inhibits the full investigation of the complaint.

The Academy may decline to investigate a matter if it is not very recent and the complaint could reasonably have been expected to be raised earlier. The normal expectation is that a complaint will be raised within **three months** of the alleged subject matter of the complaint though it will be important to judge whether or not the nature or seriousness of the allegation merits a more flexible approach.

It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the Academy can be crucial in determining whether the complaint will escalate.

The vast majority of disagreements between Academies and parents/carers are resolved during routine day-to-day Academy business by means of communication, negotiation and mediation. However, from time to time, disagreements can develop into formal complaints. Parents/carers should arrange to meet with the Headteacher or a member of the Senior Leadership Team with the aim of resolving any perceived problems. However, if a parent/carer insists on submitting a formal written complaint they should be informed of the procedure and encouraged to do the following:

- Put their complaint in writing.
- Make the complaint brief and clear, outlining the precise nature of the problem.
- Keep a copy.
- Send it to the Head Teacher (or the Chair of Governors if the complaint is about the Head Teacher).

These key messages deal with complaints but the underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally. In most cases the class teacher will receive the first approach. It is beneficial if staff seek to resolve issues on the spot, including apologising where necessary.

Principles

An effective Complaints Procedure will:

- Encourage resolution of problems by **informal** means wherever possible;
- Be easily **accessible and publicised**;
- Be **simple** to understand and use;
- Be **impartial**;
- Be **non-adversarial**;
- Allow **swift** handling with established **time-limits** for action and keeping people informed of the progress;
- Ensure a full and **fair** investigation by an independent person where necessary;
- Respect people's desire for **confidentiality**;
- Address all the points at issue and provide an **effective** response and **appropriate** redress, where necessary;
- Provide **information** to the Academy's senior management team so that services can be improved.

It is suggested that at each stage, the person investigating the complaint makes sure that they:

- Establish **what** has happened so far, and **who** has been involved;
- Clarify the nature of the complaint and what remains unresolved;
- **Meet with the complainant** or, at least contact them;

- 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;
- Conduct the interview with an open mind and be prepared to persist in the questioning;
- Keep notes of the interview;
- Feedback to the complainant.

Formal Stage 1

The formal procedures will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further. The person responsible for the initial stage of the complaint procedure is the Headteacher.

Formal Stage 2 – Panel Hearing

The Head Teacher/Senior Manager will notify the complainant that, if he/she is not satisfied with the outcome of the response from the Headteacher, he/she will be able to refer the matter **in writing** to the Chair of the Governing Body setting out the complaint.

The Chair of Governors will consider the evidence of the complaint, in confidence and without reference to any other member of the Governing Body. If the complaint is serious or complex, advice must be sought from the Academy's appointed legal advisors. Having considered the complaint the Chairperson will either write to the complainant with his/her findings and, should it be necessary, the reasons for a meeting with the complainant and the Headteacher in an attempt to resolve the matter.

Should either the complainant or the Headteacher be dissatisfied with the outcome of the Chairperson's investigation they may ask for the matter to be referred to a panel of the Governing Body by writing to the Clerk to Governors setting out the reasons for the referral. The Chair of Governors should summarise the complaint to other members of the Complaints Committee and ascertain their preliminary view as to whether the matter should be dealt with at a meeting of the committee. If the members' view is that the complaint should not proceed, the complainant should be informed, with reasons. The Academy's appointed legal advisors should be consulted at an early stage in the case of serious or complex matters.

Because it is quite likely that the complainant is not known to those investigating, at this stage it is very important to include a face to face interview. Such an interview would ensure that the nature of the complaint is very clear and also that the complainant knows the complaint is being taken seriously.

At this stage, following an investigation, the Governors could:

- Dismiss the complaint in part or in whole;

- Uphold the complaint in part or in whole;
- Decide on the appropriate action to take to resolve the complaint;
- Recommend changes to the Academy's systems or procedures to ensure that problems of a similar nature do not recur.

A common problem at this stage has been that the written response to the complainant has not addressed the specifics of the complaint. It is therefore essential to address the questions and concerns raised in the complaint.

Cases which may result in disciplinary action being taken against a member of staff must follow the procedures recommended by the Academy's appointed Human Resources advisors (Hoople Ltd) from whom specific advice should be sought.

Where the Chair of Governors is being asked to consider a complaint about a matter which involved the Headteacher's management responsibilities, he or she should consider carefully whether the Headteacher's actions are within the boundary of reasonable responses and not substitute their own retrospective view of how they would have acted in the same circumstances.

The Chairperson should consider whether a conciliatory role between the Headteacher and the complainant would be the best way of resolving the complaint.

How to conduct an investigation at Formal Stage 1 & 2

1. Ask the complainant to put their complaint in writing to the Clerk to the Governors. It is often useful to stress that the letter not be too unduly long and that, if there is more than one issue, to list them clearly, i.e. number them or put them in bullet points. Sometimes parents/carers do not make it clear when they write and the precise nature of the complaint can be difficult to see.
2. Meet with the complainant. This **may** be less important for the Head Teacher/Senior Manager who may have met with the parent/carer on numerous occasions. However, for the Chair of Governors or any Governor, delegated to investigate the matter, it is highly recommended in order to grasp the essential substance of the complaint. **It is also important to meet personally, so that the complainant knows they are being listened to and, that the complaint is being taken seriously.**
3. **The Academy must ensure that one member of the panel hearing is independent of the management and running of the Academy. A member of the Governing Body of the Academy does not qualify as an independent person.**
4. The complainant, the Headteacher and the Chair of Governors will provide the Clerk to the Governors with all documentation to be used at the meeting at least **ten days** before the meeting take place.

5. The Clerk to the Governors will distribute all documentation to both parties and to the members of the panel at least **seven days** before the meeting.
6. The complainant, the Headteacher and Chair of Governors will be advised by the Clerk to the Governors that they may be accompanied by a friend or representative at the meeting.
7. The normal procedure to be followed at the meeting is set out below. Provided he/she is satisfied that it will give all parties an opportunity to present their case, the Vice-Chair of the Governors may vary this procedure with advice from the Clerk to the Governors.
 - the panel will be Chaired by the Vice-Chair of the Governors and he/she will make arrangements for a note taker to be present. In the absence of the Vice-Chair the panel will agree a Chairperson for the meeting;
 - the Chairperson explains the purpose of the meeting and introduces those present;
 - the person calling the meeting presents their case;
 - the panel will have an opportunity to question the person calling the meeting;
 - the respondent presents their case;
 - the respondent can be questioned by the panel;
 - both parties withdraw;
 - the panel consider the case and then write to both parties within **seven** working days to advise them of their findings and their reasons.
8. Examine all necessary correspondence, reports and so on.
9. Talk to any other individuals or groups as necessary to arrive at a view.
10. Take some time to reflect.
11. Respond in writing and consider meeting with the complainant again to explain your findings.
12. There is no specific format required when putting the conclusions of an investigation into a report or letter to the complainant. However the following might be useful:
 - indicate what evidence had been taken into account. It is important to include all interviews and the main reports, letters and so on.
 - An outline of the complaint.

- Your general findings, outlining the views from various parties.
- Your conclusion.
- As raised in the previous point, recommendations may be made. If these are appropriate, then these should be in a separate section in the report or letter.

CONFIDENTIALITY

Clearly, all the matters contained within this area of work – whether it is an informal concern, a formal complaint, or the ensuing investigation and final report – are strictly confidential and protected in legislation and good practice guidance. On no account should any of the issues raised during an investigation be discussed with any unauthorised parties.

TIMESCALES

At each stage it is advisable to discuss and agree timescales with the complainant. Some complaints are more complex than others and, as such – to allow for a thorough investigation to be done – may require more time. The important point to be made here is to keep the various parties informed, especially the complainant, if agreed timescales become unreasonable. However, as a rule of thumb, the following may be useful:

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|--------------------------------|----------|
| • Informal Stage | 2/3 days |
| • Formal Stage 1 (Headteacher) | 10 days |
| • Formal Stage 2 (Governors) | 20 days |
| • Formal Stage 3 (EFA level) | 30 days |

Academy holidays are not included in these timescales. It is good practice to keep all parties, especially the Headteacher and the complainant, informed of progress at all stages.

RESOLVING COMPLAINTS

At each stage in the procedure Academies will want to keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- An apology;
- An explanation;
- An admission that the situation could have been handled differently or better;
- An assurance that the event complained of will not recur;
- An explanation of the steps that have been taken to ensure that it will not happen again;
- An undertaking to review Academy policies in light of the complaint.

VEXATIOUS COMPLAINANTS

If properly followed, a good complaints procedure will limit the number of complaints that become protracted. However, sometimes a complainant finds it difficult to accept that this is the end of the procedure (this may apply to any of the formal stages but this is particularly the case at Stage 3) and it may be necessary to make very clear that the procedure has been exhausted and that the matter is now closed. Should this not stop the complainant from repeatedly trying to re-open the same issue then there should be some consideration to initiating the vexatious complaint process with the appropriate legal advice from the Academy's solicitors.

Formal Stage 3

This stage is reached when all efforts to resolve the complaint at Academy level (i.e. both the Headteacher and Governors have failed, in the eyes of the complainant, to resolve the issues).

In these circumstances the complainant can complain to the EFA.

THE EFA'S PROCEDURE FOR DEALING WITH COMPLAINTS ABOUT ACADEMIES

Introduction

The Education Funding Agency (EFA) carries out certain functions in relation to Academies on behalf of the Secretary of State. One of the main functions is to ensure that Academies comply with the Funding Agreement entered into with the Secretary of State. If any complaints or concerns arise in relation to breaches of the terms of Academies' Funding Agreements then the EFA will seek to resolve these with an Academy without the need for parents and pupils to make a formal complaint. However there will be issues where parents of pupils at Academies and pupils themselves have complained to the Academy and such complaints have been considered by the Academy in accordance with its complaints procedure and this has failed to resolve the matter. In these circumstances the complainant can complain to the EFA and the complaint will be considered in accordance with this procedure.

Key Principles

1. The EFA and Academies should be receptive to genuine expressions of dissatisfaction.
2. Complaints should be dealt with promptly, fairly and proportionately.
3. Action taken as a result of complaints should help to improve the quality of the education and training provided by Academies.

4. In dealing with complaints, the EFA will take account of its duty to promote equality and diversity.

Academies

5. Academies are required to have published a procedure for dealing with complaints by parents or pupils, which must be made available on request. This procedure must provide for complaints to be managed within clear timescales. If initial informal consideration does not resolve the complaint then the procedure must also include steps to escalate a complaint through a written stage and if necessary an appeal hearing before a panel that includes at least one member who is independent of the Academy. The procedure should also set out the detail of the process and named individuals who will be responsible for receiving and dealing with the complaint.

6. Academies should ensure parents and pupils understand all details of the complaints procedure and make complaints information available in other formats (Braille, large print, other languages etc).

7. Academies should ensure that parents are provided with relevant contact details for the EFA when a complaint has not been resolved by the Academy.

8. The EFA will not usually investigate complaints until the Academy's own complaints procedure, including any appeal, has been exhausted. When the EFA has reason to believe that the complaint was made to the Academy and the Academy has had reasonable opportunity to investigate and respond but has failed to do so or that there are circumstances which mean it is not reasonable for the matter to be brought to the attention of the Academy, then the EFA may decide to investigate before the Academy's procedure has been exhausted.

Procedure for dealing with complaints about Academies

Who will investigate:

9. Complaints about Academies will be investigated by the Academies Directorate in the EFA in consultation with the Legal and Governance Team.

10. Complaints about Academies should be addressed to the EFA Academies Central Unit. Please see **Annex A** for contact details.

When the EFA will investigate:

11. The EFA will investigate complaints about:

- undue delay or non-compliance with published complaints procedures;
- allegations that the Academy has acted unlawfully or failed to comply with a contractual duty imposed on it under its Funding Agreement with the Secretary of State or any other legal obligation.

When the EFA will not investigate

12. The EFA will not investigate complaints about:

- examination results or curriculum content where a more appropriate form of redress would be the examining body or Ofqual;
- statements of special educational needs where there is an appeal to the First-tier Tribunal (SEND – Special Educational Needs and Disability);
- matters that are the subject of legal action.

13. The EFA will not usually investigate complaints more than twelve months after the decision or action was taken.

14. The EFA reserve the right not to investigate complaints considered to be vexatious or malicious or where we are satisfied with the action that the Academy has already taken or proposes to take to resolve the complaint.

What the EFA will do:

15. On receipt of a complaint the EFA will check:

- the matter is one which the EFA can investigate;
- if the decision or action complained about occurred more than 12 months ago. Where this is the case the EFA will not normally investigate, unless the complainant has good reason for the delay in making the complaint.

16. Within five working days of receipt of a complaint the EFA will acknowledge receipt and send a copy of this procedure to the complainant. The complainant should be told whether the complaint is one which the EFA will investigate.

17. If the EFA is to investigate the matter, the complainant will be asked to provide:

- details of their complaint in writing, by email or fax (if this has not already been provided);
- confirmation that the Academy's complaints procedure has been exhausted;
- permission to disclose details of their complaint to the Academy concerned.

18. If the complainant has difficulties in providing details in writing, the EFA will consider alternative ways of receiving the information.

19. Within fifteen working days of receipt of the written complaint the EFA will prepare a summary of the complaint to be sent to the complainant for approval. The complainant will be given ten working days to provide any response to this document.

20. The EFA will consider any response from the complainant and, if appropriate, amend the summary of the complaint before sending this to the Academy. The Academy will be asked to provide within ten working days:

- details and copies of the relevant procedures where appropriate;

- confirmation that its procedures have been exhausted;
- a response to the summary of the complaint together with relevant documentation;
- confirmation that the information provided can be shown to the complainant.

21. If, at any stage, the EFA is satisfied that procedures at the Academy have not been properly exhausted the EFA will usually write to the parties to indicate that they will not investigate the matter further. Where the EFA judges that the Academy has unduly delayed in resolving the complaint or that there is no prospect of the Academy resolving the complaint within a reasonable timescale, the EFA may continue to investigate.

22. On receipt of documentation and response from the Academy the EFA will provide the Academy's response to the complainant and seek confirmation within five working days as to whether the complainant remains dissatisfied.

23. If the matter has not been resolved within twenty working days of agreeing the summary with the complainant, the EFA will consider each aspect of the summary of complaint and determine whether, on the balance of probabilities, the complaint should be upheld.

24. If the EFA cannot resolve the position on the information available, the EFA will arrange for the parties to be contacted to obtain such further information as is required. The information received and notes of any meeting will normally be disclosed to both parties.

25. Once a provisional decision has been made in relation to the complaint, draft findings will be sent to the parties providing them with an opportunity to respond within fifteen working days.

26. Responses will be considered before the EFA confirms the findings. This document will be finalised within five working days and sent to the parties. This concludes the investigation.

27. If at any point during the investigation, the EFA encounters a delay in responding to/providing correspondence, the complainant will be notified of the delay and be given details of when a response will be provided.

What action the EFA can take

28. If the EFA finds that the Academy has breached the terms of the Funding Agreement, they will ask the Academy to take action to resolve the matter.

Such actions may include:

- ask the Academy to review its procedures to ensure non-recurrence;
- ask the Academy to review its decision in the individual case.

If the Academy does not comply, the Secretary of State may, if appropriate, seek to enforce the terms of the Funding Agreement through the Courts.

If the complainant remains dissatisfied

29. If a complainant is dissatisfied with the way in which the EFA has dealt with their complaint against an Academy, the complainant may complain to the Secretary of State. **(See Annex A)**

Annex A – Contact details for Academies Complaints

Complaints about academies should be sent:

- via the Department for Education's [schools complaints form](#)
- or
- by post to:

Ministerial and Public Communications Division
Department for Education
Piccadilly Gate Store Street
Manchester
M1 2WD

Complaints about how the EFA have handled your complaint should be sent:

- **The EFA's Contact Us form:**
<https://www.education.gov.uk/help/contactus/dfe>
- or
- by post to:

**EFA Complaints
Chief Executive's Office
53-55 Butts Road
Earlsdon Park
Coventry
CV1 3BH**

COMPLAINTS PROCEDURE (Summary)

Step 1

- **Talk to the teacher about your concerns** and explain them carefully. (Often this is all that is needed to find a solution)

If you still have concerns and do not feel that the teacher has addressed them adequately

- **Make an appointment to talk to the Head Teacher/Senior Manager.** Say that you have already talked to the teacher but you still have concerns.
- Discuss the matter with the Head Teacher/Senior Manager.

If you still have concerns and do not feel that the Head Teacher/Senior Manager has addressed them adequately

Step 2

- **You should write to the Chair of the Governors** of your child's Academy. The address is available from the Academy. Depending on your complaint, the Chair of the Governors may refer the matter to a committee of the Governing Body.
- Your letter should state clearly the concerns that you have and should contain all the relevant facts of which you are aware. If possible, include dates, times and the names of staff and/or pupils who know about the matter.

If you do not feel that the Governors have addressed and dealt with your concerns to your satisfaction....

Step 3

- **You can refer your concerns to the Education Funding Agency (EFA)**

Your letter should state clearly the concerns you have and should contain all the relevant facts. If possible, include dates, times and the names of staff and/or pupils who know about the matter.