



# **COMPLAINTS PROCEDURE**

# Academy Complaints Procedure

## **Stage One (Informal)**

### **Complaint Heard by Staff Member**

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 school can be crucial in determining whether the complaint will escalate. To that end, if staff are made aware of the procedures, they know what to do when they receive a complaint.

It would assist the procedure if the school respected 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 can refer the complainant to another staff member. Where the complaint concerns the headteacher, the complaints co-ordinator can refer the complainant to the Chair of Governors.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the complaints co-ordinator may consider referring the complainant to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial.

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

## **Stage Two (formal)**

### **Complaint Heard by Headteacher**

The complainant may be dissatisfied with the way the complaint was handled at stage one as well as pursuing their initial complaint. The Head may delegate the task of collating the information to another staff member but not the decision on the action to be taken. The academy will respond to the complainant within 5 working days of receiving the formal complaint.

## **Stage Three (formal)**

### **Complaint Heard by the Chair of Governors**

If the complainant is not satisfied with the response of the headteacher or the complaint is about the headteacher, then the complainant should write to the Chair of Governors to request that their complaint is considered further. The academy will endeavour to have the Chair of Governors consider and respond to the complaint within 15 working days.

## **Stage Four (formal)**

### **Complaint Heard by the Chief Executive Officer of the Wardle Trust**

If the complainant is not satisfied with the outcomes of the hearing with the Chair of Governors or the complaint is about the Chair of Governors, the Chief Executive Officer (CEO) of the Trust will attempt to mediate an outcome to the satisfaction of all parties within 5 working days of notification. In addition to undertaking a mediation role, the CEO must be satisfied and comment upon the school's application of Trust and school policies in dealing with the issues surrounding the complaint. If the CEO is unable to secure outcomes acceptable to all parties they will convene a Trustee Appointed Complaints Committee at the first opportunity and no later than 15 working days later their meeting with the complainant.

## **Stage Five (formal)**

### **Complaint Heard by Trustee Appointed Complaints Committee**

The complainant needs to write to the Chair of the Committee giving details of the complaint (Form enclosed below). The Chair will convene a meeting of three people, two school governors and one other member who must be independent of the governance, management and running of the school.

The Complaints Committee is the last Trust-based stage of the complaints process, and is not convened to merely rubber-stamp previous decisions.

Individual complaints would not be heard by the whole governing body of the school or Trustees 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.

### **The Remit of the Complaints Committee 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 member sitting on a complaints committee panel needs to remember:

- a. It is important that the hearing is independent and impartial and that it is seen to be so. No member 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 governors/members 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 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 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. Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.
- e. The members sitting on the panel need to be aware of the complaints procedure.

## **Roles and Responsibilities**

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

The panel or group of governors considering complaints will be clerked. The clerk is to be the contact point for the complainant and will:

- 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;
- 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.

It is not unknown for complainants to raise additional complaints because they do not agree with the record of the meeting.

### **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.

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

The Chair of the Panel will ensure that the complainant is notified of the panel's decision, in writing (including reasons for decision); within ten working days of the panel hearing.

The letter should explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

### **The final stage of 'appeal' is to the Secretary of State for Education.**

Complainants should contact the Education Funding Agency. A complaints form is available online. This can be done via:-

<https://www.gov.uk/complain-about-school>

### **What will the EFA do?**

If a complaint has exhausted the local procedures, EFA will examine if the complaints policy and any other relevant policies were followed in accordance with the provisions set out. EFA also examines policies to determine if they adhere to education legislation.

However, the department will not re-investigate the substance of the complaint. This remains the responsibility of schools.

If legislative or policy breaches are found, EFA will report them to the school and the complainant and, where necessary, require remedial action to be taken. Failure to carry out remedial actions could ultimately result in a formal Direction being issued by the Secretary of State.

### **Checklist for a Panel Hearing**

The panel needs to take the following points into account:-

- The hearing is as informal as possible.
- 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 headteacher may question both the complainant and the witnesses after each has spoken.
- The headteacher is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the headteacher and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The headteacher is then invited to sum up the school's actions and response to the complaint.
- Both parties leave together while the panel decides on the issues.
- The chair explains that both parties will hear from the panel within a set time scale.

## Complaint Form

Please complete and return to Mrs J Ashworth who will acknowledge receipt and explain what action will be taken.

Your name:

Pupil's name:

Your relationship to the pupil:

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:**

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**Official use**

**Date acknowledgement sent:**

**By who:**

**Complaint referred to:**

**Date:**