



Academies Trust

# Complaints Policy

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*Amendment (Jan 2019):*

*To bring in-line with updated guidance from the EFSA*

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## **Introduction**

This policy statement sets out the approach of The Co-operative Academies Trust, and the academies within this Trust, to dealing with parental concerns and complaints.

We value good home/academy relations and will, therefore, do everything we can to establish and maintain them. This includes seeking to resolve any concerns or complaints promptly, and to the satisfaction of all concerned.

We welcome feedback on what parents feel we do well, or not so well, as individual academies and as a Trust. We will consider carefully all feedback, whether positive or negative, and will review our policies and practices accordingly.

All staff, along with members of each school's Governing Body, will receive a copy of this policy statement and will be familiar with the academy's procedures for dealing with parental concerns and complaints, to which they will have access as required.

The policy is available on request to parents.

These procedures will be reviewed regularly and updated as necessary.

Staff and governors will receive training in handling parental concerns and complaints as appropriate. This may be on an individual basis, or as a group activity for all staff, or for specific groups.

The Department for Education and Education Finance Authority advocate resolution of parental concerns and complaints at academy level wherever possible, in the interests of maintaining good home / academy relations.

Please note that some complaints might be dealt with in other policies, for example, complaints involving child protection or pupil exclusion.

## **General Principles**

The procedure is intended to allow a parent/carer to raise a concern or complaint relating to school.

An anonymous concern or complaint will not be investigated under this procedure unless there are exceptional circumstances.

We will treat all concerns and complaints seriously and courteously and will advise parents and others of the procedures for dealing with their concerns. In return, we expect parents and other complainants to behave respectfully towards all members of the academy's community. In particular, any disagreement with the academy should not be expressed inappropriately or in front of pupils.

Whilst we will seek to resolve concerns and complaints to the satisfaction of all parties, it may not be possible to achieve this in every case. We will, therefore, use our option to close a complaint before all the stages of the Complaints Procedures have been exhausted, if this appears to be appropriate.

## The Complaints Procedure

The majority of concerns from parents, carers and others are handled under the following general procedures;

The procedure is divided into three stages;

- **Stage One (The Informal Stage)** aims to resolve the concern through informal contact at the appropriate level in the academy.
- **Stage Two (The Formal Stage)** is the point at which written complaints are considered by the Headteacher or another senior member of staff if the Headteacher has already been involved in the matter.
- **Stage Three (Formal Resolution)** is the final stage once Stage Two has been worked through. It involves an appeal to a panel including governors and an independent person.
- **External Review** where the Education & Skills Funding Agency (EFSA) will review and comment upon the way we have dealt with your complaint.

How each of these stages operates is explained below:

### Stage 1 (The Informal Stage) – your initial contact with the academy

1. Many concerns will be dealt with informally when you make them known to us. The first point of contact should be your child's teacher (or tutor). In the case of more serious concerns it may be appropriate to address them directly to the Head of School
2. Once your concern is made known to us, we will contact you as soon as possible.
3. If necessary we will contact appropriate people who may be able to assist us with our enquiries into your concern.
4. If necessary we will normally update you on the progress of our enquiries within **ten working days**.
5. If you are still dissatisfied following this informal approach, your concern will become a formal complaint and we will deal with it at Stage Two.

## Stage Two (The Formal Stage) - formal consideration of your complaint

This stage in our procedures deals with written complaints. It applies where you are not happy with the informal approach to dealing with your concern, as outlined above.

1. Normally, your written complaint should be addressed to the Executive Headteacher/Headteacher/Principal. If, however, your complaint concerns the Headteacher personally, it should be sent to the academy marked, "For the attention of the Chair of Governors". A complaint form is attached to this policy to assist you. It is important that you include a clear statement of the actions you would like the academy to take to resolve your concern. Without this, it is much more difficult to proceed.
2. We will acknowledge your complaint in writing as soon as possible after receiving it (**within three working days**) and we will enclose a copy of these procedures with the acknowledgement.
3. As part of our consideration of your complaint, we may invite you to a meeting to discuss the complaint and fill in any details required. If you wish, you can ask someone to accompany you to help you explain the reasons for your complaint.
4. The Executive Headteacher/Headteacher/Principal, or the person investigating your complaint, may also be accompanied by a suitable person if they wish.
5. Following the meeting, the Executive Headteacher/Headteacher/Principal or the person investigating the complaint will, if necessary talk to witnesses and take statements from others involved. If the complaint centres on a pupil, we may talk to the pupil concerned and, where appropriate, others who were present at the time of the incident in question.
6. We will sometimes talk to pupils with a parent or carer present, unless this would delay the investigation of a serious or urgent complaint, or where a pupil has specifically said that he or she would prefer the parent or carer not to be involved. In such circumstances, we will ensure that another member of staff, with whom the pupil feels comfortable, is present.
7. If the complaint is against a member of staff, it will be dealt with under the school's internal confidential procedures, as required by law.
8. The Executive Headteacher/Headteacher/Principal or person investigating the complaint will keep records of all meetings and telephone conversations, and other related documentation.
9. Once all the relevant facts have been established, (normally within 10 working days of receipt of your complaint) you will be sent a written response. This will give an explanation of the decision and the reasons for it. If follow-up action is needed, we will indicate what we are proposing to do. We may invite you to a meeting to discuss the outcome as part of our commitment to building and maintaining good relations with you.
10. The person investigating your complaint may decide that we have done all we can to resolve the complaint, in which case we may use our discretion to close the complaint at this point.

If you are unhappy with the way in which we reached our conclusions, you may wish to proceed to Stage Three, as described below.

## Stage Three (Formal Resolution) - consideration by a Governors' Appeal Panel

If the complaint has already been through Stage Two and you are not happy with the outcome as a result of the way in which the complaint has been handled, you can take it further to a Governors' Appeal Panel.

To do this you must write to the Chair of Governors within **ten working days** of the decision from Stage Two.

This is a formal process, and the ultimate recourse at academy level.

The purpose of this arrangement is to give you the chance to present your arguments in front of a panel of two Governors and a person who is independent of the management and running of the academy. All of these people will have no prior knowledge of the details of the case and can, therefore, consider it without prejudice.

However, **the aim of a panel is not to rehear the complaint.** It is there to review how the complaint has been investigated and to determine whether this has been conducted fairly. It is there to establish facts and make recommendations which will reassure you that we have taken the complaint seriously.

The Governors' Appeal Panel operates according to the following formal procedures:

1. On receipt of your request to have your complaint heard by a Governors' Appeal Panel, we will confirm that we have received your letter and give you a date for the Appeal Hearing. The Governing Body of the academy will convene a panel containing two Governors and a third person who is independent of the management and running of the academy, and will aim to arrange for the panel meeting to take place within **20 working days** of receiving your request for an Appeal Hearing. You will be notified by letter and this letter will inform you of the date, time and location of the Hearing, and provide an explanation of what will happen at the Hearing.
2. You will be asked whether you wish to provide any further written documentation in support of your appeal. If you do, then the academy will need to receive this at least **ten working days** before the Hearing.
3. The person who led Stage Two, will be asked to prepare a written report for the panel. The panel can request additional information from other sources if necessary. You will receive copies of these papers at least **five working days** before the Hearing.
4. You are entitled to be accompanied to the Hearing. The choice of person to accompany you is your own, but it is usually best to involve someone in whom you have confidence but who is not directly connected with the academy. They are there to give you support but also to witness the proceedings and to speak on your behalf if you wish. They do not have to have a legal background.
5. If it is necessary, in the interests of the ratifying the investigative process, the person representing the academy may, with the agreement of the Chair of the panel, invite relevant witnesses directly involved in matters raised by you to attend the Hearing.
6. The Chair of the panel will bear in mind that the formal nature of the Hearing can be intimidating for you and will do his or her best to put you at your ease.
7. As a general rule, no evidence or witnesses previously undisclosed should be introduced into the meeting by any of the participants. If either party wishes to do so, the meeting will be adjourned so that the other party has a fair opportunity to consider and respond to the new evidence.
8. The Chair of the panel will ensure that the meeting is properly minuted. Please understand that any decision to share the minutes with you, the complainant, is a matter for the panel's discretion and you do not have an automatic right to see or receive a copy as the minutes are the property of the Governing Body. Since such minutes usually name individuals, they are understandably of a sensitive and, therefore, confidential nature.
9. Normally, the written outcome of the Hearing, which will be sent to you, should give you all the information you require. If, however, you feel that you would like to have a copy of the minutes it would be helpful if you could indicate this in advance. If the panel is happy for

- the minutes to be copied to you, the person taking notes (the Clerk) at the Hearing can then be asked maintain confidentiality in the minutes.
10. During the meeting, you can expect there to be opportunities for:
    - a. The panel to hear you explain your case and your argument for why it should be heard at Stage Three;
    - b. The panel to hear from the person who investigated the complaint at Stage Two, in response;
    - c. You to raise questions via the Chair;
    - d. You to be questioned by the complaint investigator through the Chair;
    - e. The panel members to be able to question you and the person who
    - f. investigated the complaint at Stage Two;
    - g. You and the person who investigated the complaint at Stage Two to make a final statement.
  11. In closing the meeting, the Chair will explain that the panel will now consider its decision and that written notice of the decision will be sent to you and the person who investigated the complaint at Stage Two within **three school days**. All participants other than the panel and the Clerk will then leave.
  12. The panel will then consider the complaint and all the evidence presented in order to:
    - a. reach a unanimous, or at least a majority, decision on the case;
    - b. decide on the appropriate action to be taken, if necessary;
    - c. recommend, where appropriate, to the Governing Body changes to the academy's systems or procedures to ensure that similar problems do not happen again.
  13. The Clerk will send you, the person at the centre of the complaint (where relevant) and the person who investigated the complaint a letter outlining the findings of the panel within **ten working days** of the Hearing. The letter will also explain that you are entitled to have the handling of the complaint reviewed by an external body – currently the Education & Skills Funding Agency (EFSA). While this process is not strictly an appeal, it is an opportunity to seek the view of an official third party and the outcome, including any recommendations, may be helpful to you in seeking resolution of the complaint, through the Secretary of State for Education if necessary.
  14. We will keep a copy of all correspondence and notes on file in the academy's records but separate from pupils' personal records, for one year after your child has left the academy. This may be made available for inspection by the Trust and or the Headteacher (where s/he is not the subject of the complaint).
  15. Correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them
  16. Records will indicate:
    - a. whether the complaint has been resolved at an informal stage or proceeded to a Panel Hearing
    - b. action taken by the school as a result of those complaints (regardless of whether they are upheld)

### Notes regarding the complaints policy

- the complaints procedure need not apply to prospective pupils, and therefore, it does not have to cover failure to admit such pupils;

- the procedure only needs to apply to relation to complaints from parents of pupils, i.e. persons for whom education is being provided at the school. Therefore, the process does not need to cover complaints from parents of pupils who have left (except in cases where the complaints process was started when the pupil was still being educated at the school);
- there is no provision in the standard for complaints by pupils, even those who are adults, although a school may choose to have such a process;
- the requirement for a panel member who is independent of the management and running of the school means that the independent member should would ideally not only be outside the school's workforce, and not a member of governing body/proprietary body, but also should not be otherwise involved with the management of the school - for example, this might well be the case with a solicitor who regularly acts for a school;
- the provision requiring a complaints procedure to allow a parent to be accompanied at a panel hearing does not confer a right on a parent to have a legal representative to make representations on their behalf at the hearing, although the school can allow this if it wishes;
- if a parent does not exercise the right to attend a panel hearing, this does not remove the school's obligation to hold the hearing in conformity with its complaints policy. The school's arrangements for the panel hearing should be reasonable in order to facilitate the parent(s) exercising the right of attendance

It should also be noted that if it is found that this standard has not been met because of the way a particular complaint has been handled, the Secretary of State has no power to compel the school to alter its decision on that complaint, only to take regulatory action designed to address the failure to meet the complaints standard so that future complaints are dealt with properly

## Closure of complaints

Very occasionally, an academy will feel that it needs, regrettably, to close a complaint where the complainant is still dissatisfied.

Both the academy and the Trust, where appropriate, will do all we can to help to resolve a complaint against the academy but sometimes it is simply not possible to meet all of the complainant's wishes. Sometimes it is simply a case of "agreeing to disagree". If a complainant persists in making representations to the academy – to the Executive Headteacher/Headteacher/Principal, Chair of Governors or anyone else, this can be extremely time-consuming and can detract from our responsibility to look after the interests of all of the children in our care.

For this reason, we are entitled to close correspondence (including personal approaches, as well as letters and telephone calls) on a complaint where we feel that we have taken all reasonable action to resolve the complaint and that the complaint has exhausted our official process and, especially, where the complainant's action is causing distress to staff and/or pupils.

In exceptional circumstances, closure may occur before a complaint has reached Stage Three of the procedures described in this document. This is because a Complaints Panel takes considerable time and effort to set up and we must be sure that it is likely to assist the process of investigating the complaint. The academy may take this action if it can answer 'yes' to the following three questions:

1. have all reasonable steps been taken to resolve the complaint?



2. has the complainant been provided with a statement of the school's position and their options?
3. are they contacting the school repeatedly on substantially the same point?

The Chair of Governors may decide, therefore, that every reasonable action has been undertaken to resolve the complaint and that a complaints review panel would not help to move things forward.

This does not, of course, prevent you from referring your complaint to the Education & Skills Funding Agency (EFSA) for a review of the way it has been handled, with details being available on the internet



## Appendix 1 – Complaints Recording Form

### Academy Complaints Recording Form

**Name of Academy** .....

Contact Information

Personal Details .....

Name .....

Address .....

.....

Postcode .....

Daytime telephone number .....

Evening telephone number .....

If applicable, name of child(ren) and year at school

.....

Your relationship to the school, e.g. parent, carer, neighbour, member of the public, student:

.....

Please give details of your complaint (continue on another sheet if necessary)

What action, if any, have you already taken to try and resolve your complaint? Who did you speak to, when and what was the response?



What actions do you feel might resolve the problem at this stage?

Signature .....

Date .....

Official Use:

Date of acknowledgment .....

By whom .....

Complaint referred to .....

Date .....

## Appendix 2 - Complaints subject to statutory procedures

Some areas of complaint are subject to statutory procedures and there is clear guidance on how such issues should be dealt with. These include;

- admissions
- child protection
- drugs
- equal opportunities
- exclusions
- health and safety
- National curriculum
- religious education and collective worship
- sex education
- special educational needs
- staff capability
- staff discipline
- staff grievance
- racist incidents<sup>1</sup>

The Executive Headteacher, Headteacher or Principal will in most cases determine which if any of these statutory procedures apply. Advice can be obtained from the Local Authority on any such issues either by contacting the appropriate service manager or the complaints support service at the local authority.

If one of these statutory procedures needs to be invoked at some point during the investigation of a more general complaint, the complaints procedure should be suspended until the statutory procedure has been concluded.

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<sup>1</sup> Although racist incidents are subject to a statutory procedure, the Race Relations Amendment Act 2000, this does not necessitate the complaints procedure being suspended. However, there is a duty for local authorities to monitor racist incidents and so **academies must follow local authority procedures for recording such incidents**

## Appendix 3 - Policy for Unreasonable Complainants

Our trust is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

Our trust defines unreasonable complainants as

*'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints'.*

A complaint may be regarded as unreasonable when the person making the complaint:-

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
- seeks an unrealistic outcome;
- makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:-

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Complainants should limit the numbers of communications with a school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

Whenever possible, the Executive Headteacher, Headteacher, Principal or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the Executive Headteacher, Headteacher, Principal will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact an academy or trust causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from the trust's premises.

## **Appendix 4 - Barring from the School Premises**

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Schools will therefore act to ensure they remain a safe place for pupils, staff and other members of their community.

If a parent's behaviour is a cause for concern, a school can ask him/her to leave school premises. In serious cases, the Executive Headteacher, Headteacher, Principal or trust can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent may wish to make.

Our trust will always give the parent the opportunity to formally express their views on the decision to bar in writing.

The decision to bar should then be reviewed, taking into account any representations made by the parent and either confirmed or lifted. If the decision is confirmed the parent should be notified in writing, explaining how long the bar will be in place.

Anyone wishing to complain about being barred can do so, by letter or email, to the Executive Headteacher, Headteacher, Principal or Chair of Governors. However, complaints about barring cannot be escalated to the Department for Education. Once the school's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought