

# Kinsley Academy



## Complaints Policy

(Adapted from part 7 of the Education Regulations England 2010)

Date	Review Date
<b>September 2016</b>	<b>September 2017</b>

## POLICY FOR COMPLAINTS

### Procedures for dealing with complaints

The majority of concerns from parents, carers and others are handled under the following general procedures. The procedure is divided into three stages;

- **The Informal stage** aims to resolve the concern through informal contact at the appropriate level in school.
- **Stage two** is the first formal stage at which written complaints are considered by the Head Teacher or the designated governor, who has special responsibility for dealing with complaints.
- **Stage three** is the next stage once stage one has been worked through. It involves a complaints appeal panel of governors.

How each of these stages operates is explained below:

#### Informal stage – your initial contact with the school

- Many concerns will be dealt with informally when you make them known to us. The first point of contact should be your child's class teacher.
- Once your concern is made known to us, we will see you, or contact you by telephone or in writing, as soon as possible. If it is necessary, all members of staff know how to refer to the appropriate person with responsibility for your particular issues. He or she will make a clear note of the details and will check later to make sure that the matter has been followed up.
- Any actions or monitoring of the situation that has been agreed, will be communicated clearly and we will confirm this in writing to you.
- If necessary we will contact appropriate people who may be able to assist us with our enquiries into your concern.
- We will normally update you on the progress of our enquiries within ten working days. Once we have responded to your concern, you will have the opportunity of asking for the matter to be considered further.
- If you are still dissatisfied following this informal approach, your concern will become a formal complaint and we will deal with it at the next stage (in accordance with part 7 Education Regulations 2010).

#### Stage two - 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.**

- Normally, your written complaint should be addressed to the Head Teacher. If, however, your complaint concerns the Head Teacher personally, it should be sent to the Academy marked "For the attention of the chair of governors"

- We will acknowledge your complaint in writing as soon as possible after receiving it. This will be within three working days.
- We will enclose a copy of these procedures with the acknowledgement.
- Normally we would expect to respond in full within 15 working days but if this is not possible we will write to explain the reason for the delay and let you know when we hope to be able to provide a full response.
- 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.

(At this stage advice may be obtained from outside agencies such as the Academy's solicitors, the LA and Teaching Unions).

- The Head Teacher, or chair of governors may also be accompanied by a suitable person if they wish.
- Following the meeting, the Head Teacher, investigating officer or chair of governors [designated governor] will, where necessary, talk to witnesses and take statements from others involved. If the complaint centres on a pupil, we will talk to the pupil concerned and, where appropriate, others present at the time of the incident in question.
- We will normally 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.
- If the complaint is against a member of staff, it will be dealt with under the Academy's internal confidential procedures, as required by law.
- The Head Teacher or chair of governors will keep written/typed, signed and dated records of all meetings and telephone conversations, and other related documentation.
- Once we have established all the relevant facts, we will send you a written response to your complaint. This will give an explanation of the Head Teacher's or chair of governors' 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.
- 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 - 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.** This is a formal process, and the ultimate recourse at school level.

The purpose of this arrangement is to give you the chance to present your arguments in front of a panel of governors who have no prior knowledge of the details of the case and who 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:**

- The governing body will convene a panel of three people who were not directly involved in the matters detailed in the complaint, and will aim to arrange for the panel meeting to take place within 20 working days. One panel member will be independent of the management and running of the school.
- You will be asked whether you wish to provide any further written documentation in support of your appeal.
- The Head Teacher or complaint investigator will be asked to prepare a written report for the panel. The panel can request additional information from other sources if necessary.
- You will be informed, at least five working days in advance, of the date, time and place of the meeting. We hope you will feel comfortable with the meeting taking place in the academy but we will do what we can to make alternative arrangements if you prefer.
- With the letter, you will receive any relevant correspondence or reports regarding stage 2 and you will be asked whether you wish to submit further written evidence to the panel.
- The letter will explain what will happen at the panel meeting and that you are entitled to be accompanied to the meeting. 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.
- If it is necessary in the interests of the ratifying the investigative process, the complaint investigator may, with the agreement of the chair of the panel, invite relevant witnesses directly involved in matters raised by you to attend the meeting.
- The chair of the panel will bear in mind that the formal nature of the meeting can be intimidating for you and will do his or her best to put you at your ease.
- 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.
- The chair of the panel will ensure that the meeting is properly minuted. **Findings and recommendations will be provided to the complainant and, where relevant, the person complained about. They will also be available for inspection on the academy premises by the proprietor and the Head Teacher.**

During the meeting, you can expect there to be opportunities for:

- The panel to hear you explain your case and your argument for why it should be heard at stage 3;
- The panel to hear the complaint investigator's case in response;
- You to raise questions via the chair;
- You to be questioned by the complaint investigator through the chair;
- The panel members to be able to question you and the complaint investigator;
- You and the Head Teacher to make a final statement.

- 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 Head Teacher **within three school days**. All participants other than the panel and the clerk will then leave.
- The panel will then consider the complaint and all the evidence presented in order to:
  1. reach a unanimous, or at least a majority, decision on the case;
  2. decide on the appropriate action to be taken, if necessary;
  3. recommend, where appropriate, to the governing body changes to the school's systems or procedures to ensure that similar problems do not happen again.

A written record will be kept of all complaints, whether they are resolved following a formal procedure, or proceed to a panel hearing. A written record will also be made of any action taken by the academy as a result of those complaints (regardless of whether they were upheld).

All 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.

### **Closure of complaints**

Very occasionally, a school will feel that it needs, regretfully, to close a complaint where the complainant is still dissatisfied.

**Kinsley Academy will do all we can to help to resolve a complaint against the school, 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 school – to the Head Teacher, designated governor, 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 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. The DFE will support us in this position, 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 chair of governors [or designated governor] 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 DFE Secretary of State for Education for a review of the way it has been handled.

**Kinsley Academy is a self-governing Academy therefore the LA do not have any involvement in the Complaint's Procedure**

If you wish to pursue your complaint, you can write to the Secretary of State for Education at the address shown below:

Secretary of State  
Department for Education (DFE)  
Castle View House  
East Lane  
Cheshire WA7 2GJ

Please enclose with your letter to the DFE a copy of the findings and recommendations. This will save time in that the DFE will not need to ask for our view of what has happened.

**We would advise parents that, unless the school has shown to have behaved unreasonably or not to have followed their own procedures, there is likely to be little further action that can be taken, as governing bodies are empowered to deal with many issues without reference to either the local authority or the Secretary of State.**

# Kinsley Academy complaints recording form

## Complaints / Feedback form

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:

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 A

### Complaints which are 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 \*

The Head Teacher will in most cases determine which if any of these statutory procedures apply. Advice can be obtained from the LEA on any such issues

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.

\* 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 schools must complete the racial harassment monitoring form (RHI), as part of the procedure for any complaint regarding a racist incident. See Part IV Further Guidance, section 13.

**Appendix B**

**Kinsley Academy**

**Complaint closure letter – Stage Two**

CLOSURE LETTER FOR FORMAL STAGE TWO – HEAD TEACHER

Dear Mr and Mrs .....

FORMAL STAGE 2 COMPLAINT ABOUT ..... AND KINSLEY ACADEMY

Thank you for your letter dated.....

From your letter(s) it is clear that you are still unhappy with the situation. As a result I have decided to have the matter investigated as part of formal stage one of the school's complaints procedure.

You complain that :

*summary of complaint to be stated. State each point separately.*

I have completed my investigation and can offer the following response(s) on each of the points you have raised.

1. Concerning your complaint that .....

2. Concerning your complaint that .....

It is important that you are clear about what action the school has taken at each stage of the process so far:

### Informal stage

*State what action was taken in response and the outcome of this.*

### Formal stage one

*State what investigative action was taken in response and the outcome of this, including any remedial action to be taken if complaint is upheld.*

I hope this response answers your concerns. Please let me know if you wish me to clarify any points.

In the meantime, if you are still not satisfied with my reply, there is a further stage of the complaints procedure that you can follow. This formal stage two is a review by a panel of governors who will look at the way in which your complaint has been dealt with. The panel will not, however, rehear the whole case.

To go to the next formal stage two, you should write to the chair of governors within ten days of the receipt of this letter, giving your reasons why you wish to take your complaint further. If you are still not satisfied with the results of the formal stage two panel of governors, you can complain to the local education authority who will carry out an investigation into the way in which your complaint has been handled.

Yours sincerely,

## **Appendix B**

### **Kinsley Academy**

#### **Complaint closure letter – Stage Three**

##### MODEL CLOSURE LETTER FOR FORMAL STAGE THREE - GOVERNORS PANEL

Dear Mrs and Mrs

FORMAL STAGE THREE COMPLAINT ABOUT ..... AND KINSLEY ACADEMY

The panel met on .....(date ) to hear your appeal regarding your complaint which can be summarised as follows:

#### **Legal or administrative background**

*State any legal or administrative background to the case, including any legislation relevant to the investigation.*

#### **The investigation**

*Set out the key facts about the complaint, the findings and conclusions from the Formal stage 1 investigation, and any continuing concerns.*

#### **Conclusion**

*Set out the findings of the panel*

#### **Panel decision**

*Outcome of the decision*

Please let me know if you wish me to clarify any points for you.

In the meantime, if you remain dissatisfied with the way in which your complaint has been dealt with, there is another stage of the complaints procedure that you can write to the local education authority to examine the process that we have followed. The local education authority will appoint a review officer who will check that:

- Reasonable procedures have been followed;
- You have been treated fairly; and
- There has been no breach of statutory regulations.

I must remind you that the decision of the panel is final. The local education authority / Department for Education does not have the power to set aside the decision of the panel. It may only comment on the fairness of the process. To follow this stage, please contact:

Secretary of State  
Department for Education (DFE)  
Castle View House  
East Lane  
Cheshire  
WA7 2GJ

Please enclose with your letter to the DFE a copy of the review outcome. This will save time in that the DFE will not need to ask for our view of what has happened.

Yours sincerely