



Complaints Policy

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Complaints Policy

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Principles for Action

The principle of this policy is to ensure that a clear, logical and unambiguous process is set out, both for those who have a genuine grievance to raise or for those staff who may have had a complaint made against them. This policy will specify four stages of action whereby any complaints can be dealt with:

1. informally,
2. through a formal internal process,
3. through the governing body,
4. through the Secretary of State or the Ombudsman.

The aim of the policy is to ensure:

- Encourage the resolution of problems by informal means wherever possible
- Ensure that concerns are dealt with quickly, fully and fairly and within clearly defined time limits;
- Provide effective responses and appropriate redress;
- Maintain good working relationships between all people involved with the Academy.

How this Policy links to other Guidance

This policy should be read in conjunction with the DfE guidance on schools complaints procedures.

Public Enquiries 0870 000 2288, <http://www.education.gov.uk>

This policy should also be read in conjunction with Mounts Bay Academy's policies on Safeguarding, Safer Recruitment and Whistle Blowing.

Rationale

The Academy is legally responsible for dealing with the majority of complaints. The purpose of this procedure is to lay out how complaints will be dealt with by the Academy.

The Academy's governors must ensure that complaints are investigated thoroughly and fairly and that complainants are given a response within a reasonable time-scale.

Children as well as parents have legitimate rights to express concerns or to make complaints, but maturity and understanding will vary from child to child. Therefore, the Academy will consider a complaint on its merits. Please note that a person does not have to be a parent or a student of the Academy to make a complaint. Please also note that anonymous complaints cannot be examined under a complaints procedure.

Governors have an important role to play in considering complaints, however, it is important for parents to understand that individual governors must not investigate complaints outside this procedure.

It is recommended that Academies appoint a complaints officer/coordinator (this can be the Principal) to ensure that the complaints procedures are delivered and monitored satisfactorily.

Procedures

Stage 1. - Informal Resolution

Many enquiries and concerns can be dealt with satisfactorily by the class-teacher, the Principal or other members of staff, without the need to resort to a formal procedure. The Academy values informal meetings and discussions.

There is no suggested time-scale for resolution at this stage given the importance of dialogue through informal discussion. However, if the face-to-face discussion seems unlikely to resolve matters, then proceed to the next stage of the procedure.

It is important to note that any complaint that relates to a [diversity issue](#) will also be recorded on the diversity incident report form.

Stage 2 - Formal Written Complaints

Where it has not been possible to resolve a complaint by way of informal discussion, the complainant should set out the precise nature of the complaint on the model pro forma (see appendix 1) and return this to the Principal. The Academy's governors will not be involved at this stage. However, if the Principal or a governor is the subject of a complaint, the complainant should send the form directly to the chair of governors (in accordance with the additional guidance laid out in Appendix 2). If a complaint against the Principal is received by the Principal, then s/he will pass it on to the chair of governors immediately.

Should a complaint be about a general matter, the Principal may be able to respond immediately, e.g. if it only requires an explanation of Academy policy. For most other complaints, which are likely to relate to specific actions or events, there is likely to be a need for further investigation in order to clarify the facts. The Principal or their nominee will normally undertake this investigation. However, the Principal may feel that to proceed to Stage 3 (below) is the best course of action, depending on the circumstances. The chair of governors will then convene a meeting of the governor panel (stage 3 below).

Complaints with respect to the conduct of a member of staff will be dealt with in accordance with the additional guidance laid out in Appendix 2. A meeting will be arranged between the complainant and the Principal (or relevant person) but this will not automatically include any member of staff named in the complaint.

All formal complaints that are received will be recorded by the Academy and acknowledged within 5 Academy days. Investigations at this stage should normally be completed within 20 Academy days of receipt of the complaint, unless there is an ongoing child protection investigation, or where the staff disciplinary procedure is involved or another exceptional circumstance. The Academy will aim to send a formal response within 5 Academy days of the completion of the investigation. This gives a target of 5 Academy weeks for the completion of this stage of the procedure. Please refer to Appendix 2 for the different timescales involved with complaints regarding the Principal or a governor.

In the letter conveying the outcome of the investigation, the complainant should be informed of the process for referral to the chair of governors if they wish to take their complaint further. Should the staff Disciplinary procedures or child protection procedures have been started then the complainant will be notified that other processes are being followed. Any notification shall be confidential to protect the member of staff.

The complainant may wish to proceed to consideration of the complaint by the governors as set out below. It is up to the complainant to make this decision within two weeks of being informed of the outcome of the stage 2 investigation, unless there are exceptional reasons why this is not possible. It is up to the chair of governors to decide if there are any such circumstances.

Stage 3 - The Governing Body

In all cases where the Principal is unable to resolve a complaint to the satisfaction of the complainant, the complainant should contact to the Chair of Governors (or Vice Chair if appropriate) for the matter to be considered. All complaints that reach this stage will be

recorded on existing records where available and acknowledged within five Academy days.

A hearing with a panel set up by the Chair of Governors (or Vice Chair if appropriate), comprising at least three people not directly involved in the matters details in the complaint. This will be made up of at least two Governors from the Academy and another Academy's or School's Governor who is independent of the management and running of the Mounts Bay Academy. The complainant will be invited to attend the hearing if they wish and may be accompanied by one other person; however, they do not have to attend.

Individual governors have no powers to investigate a complaint outside the complaints process. If necessary, a meeting with the complainant should be held in order to reach an appropriate solution.

The panel will normally review the investigations carried out under stage 2 and will decide whether or not any further investigation should be undertaken. However, in most cases where an investigation has been previously carried out, the panel may decide only to consider the evidence already presented. Where complaints have been referred directly to stage 3 (relating to the Principal or a governor), the panel will undertake the initial investigation.

Investigations at this stage should normally be completed within 15 Academy days of receipt of the complaint, unless there is an ongoing child protection investigation or where the staff disciplinary procedure is involved or another exceptional circumstance. The Academy will aim to send a formal response within 5 Academy days of the completion of the investigation. This gives a target of 4 Academy weeks for the completion of this stage of the procedure.

Following the stage 3 investigation, the panel will decide on one of two outcomes:-

1. Recommend that appropriate remedial action necessary to resolve the complaint be undertaken, or
2. Confirm that all internal investigative measures have been exhausted and uphold the original response.

The decision of the governors' panel will be communicated in writing to the complainant within five Academy days of the meeting. The decision is confidential to the complainant and to the governing body. The panel will report all outcomes of their investigations to the governing body.

Stage 4 - Appeals to the Secretary of State or the Ombudsman

Finally, complainants have a right of appeal to the Secretary of State for Education. It should be pointed out that the members of staff also have the same right of appeal.

If a complainant feels that there has been maladministration in the manner in which a complaint has been dealt with, this can be referred to the Local Government Ombudsman.

Please note that the Ombudsman can look into complaints about how something has been done, but she/he cannot question what has been done simply because the complainant does not agree with it. The relevant addresses are:

The Secretary of State
Department for Education
Sanctuary Buildings
Great Smith Street,
Westminster,
London
SW1P 3BT

Tel: 0171 925 5000

Local Government Ombudsman
The Oaks,
Westwood Way,
Coventry
CV4 8JB

Tel: 01203 695999

Monitoring and Evaluation

At all formal stages of the complaints procedure, the following information should be recorded:

- The name of the complainant;
- The date and time at which complaint was made;
- The details of the complaint;
- The desired outcome of the complainant;
- How the complaint is investigated (including written records of interviews held);
- Results and conclusions of investigations;
- Any action taken;
- The complainant's response (satisfaction or further pursuit of complaint).

The Academy may choose to appoint a member of staff as a 'complaints co-ordinator'. When this is the case, this individual will have the responsibility for the operation and management of the Academy complaints policy and will be responsible for monitoring complaints. Records should be retained for a period of 3 years.

It is the responsibility of the Principal and governing body to ensure that the procedures outlined above are closely followed and a review of these procedures should be made in the light of any formal action to ensure that any parties involved feel confident that they have been fairly represented.

Confidentiality

Confidentiality is vital. All conversations and correspondence will be treated with discretion. Complainants have the right to know what use will be made of personal

information and, accordingly, personal information will only be shared between staff on a 'need to know' basis.

Impact of Policy

This policy has set out clear routes and guidelines for all stakeholders who wish to make a complaint about staff or procedures at Mounts Bay Academy. This will ensure that correct procedures are followed by all concerned and that those facing a possible complaint understand their rights and responsibilities during any investigation.

Complaints Form.

Appendix 1.

Please complete and return to Mounts Bay Academy who will acknowledge receipt and explain what action will be taken.

Your name:

Student's name (if applicable):

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:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date:

Guidance on Complaints Regarding Staff.

Appendix 2

A member of staff, who is the subject of the complaint, would normally be advised of the situation immediately. However, if the complaint involves a child protection issue, child protection arrangements will come into force involving the Social Services and Police.

The following procedure will be followed to investigate complaints about the conduct of members of staff.

- I. If, at any time during the investigation, there is a prima facie case for disciplinary action, the Academy's disciplinary procedure must be followed and no further action taken under the complaints procedure. This also applies where child protection procedures are being followed.
- II. It may be advisable to meet with the complainant, before the investigation, in order to clarify the precise nature of the complaint and to discuss ways in which the matter might be resolved.
- III. If a formal investigation is required, then the Academy will adhere to the following principles:-
 - a) If a member of staff is the subject of a complaint, he/she will be given a copy and advised to contact their trade union or professional association for advice and support.
 - b) The member of staff will be advised that a 'friend' or trades union representative may accompany him/her at any subsequent interview or hearing.
 - c) The complaint will be treated as an allegation only, during the investigation stage.
 - d) The Principal will invite all parties, (including witnesses), to provide written statements as part of the investigation.

Additional guidance on Formal Complaints about the Principal or a Governor.

Formal complaints about a Principal or a governor will be referred directly to the chair of governors. The chair of governors should acknowledge the written complaint in writing within 10 Academy days. The letter may include brief details of the terms of the investigation and the role of the governors in resolving the complaint.

Depending on the nature of the complaint, the chair of governors may need to interview the Principal/governor and obtain witness statements. Once the chair has completed the investigation, a written response will need to be sent to the complainant outlining briefly the results of the investigation and the course of action taken by the chair of governors. The letter should also indicate the next stage in the process if the complainant remains unhappy with the outcome.