
CHADWELL HEATH ACADEMY



COMPLAINTS PROCEDURE

Approved by Governors 29
November 2016

CHADWELL HEATH ACADEMY COMPLAINTS POLICY

Foreword

The Academy respects the right of parents and members of the general public to report any concerns they may have regarding the Academy's provision of services or, if they deem it necessary, to make complaint.

A 'concern' may be defined as an expression of worry or doubt over an issue considered to be important for which reassurances are sought from the Academy. The Academy will treat such concerns seriously and endeavour to provide that reassurance. A 'concern' does not however constitute a complaint.

A 'complaint' may be defined as an expression of dissatisfaction about actions taken by the Academy or conversely a perceived lack of action. The procedures within this policy have been agreed by the Governing Body so that any such complaints may be properly investigated and fairly resolved.

The procedures outlined in this policy do not apply to parental complaints regarding admissions, or appeals regarding External Exclusions, which are addressed by separate policies or procedures. This policy does not apply to staff, for whom complaints are similarly addressed by alternative policy documents.

The Complaints Policy is compliant with the Academy's obligations under Part 7 of the Education (Independent School Standards) (England) Regulations 2014 No.3283.

In accordance with paragraphs 32(1)(b) and 32(3)(f) of Part 6, and paragraph 33 of Part 7 of the Education (Independent School Standards) (England) Regulations 2014 No.3283, the Academy will make this Complaints Policy and the number of complaints registered under the formal procedure during the preceding academic year available to parents of pupils and prospective pupils.

The Complaints Policy is available on the Academy website and anyone who requests it, will be sent a copy of this document.

The Complainant

The complainant will endeavour to:

- inform the Academy of their complaint in full as early as possible,
- co-operate with Academy staff investigating their concerns,
- seek a resolution to their complaint in collaboration with the Academy,
- treat all members of staff involved in the complaint with respect.

Complaints should be lodged within an acceptable time frame. The Academy may not consider complaints lodged more than three months after their focus.

The Academy

The Academy will endeavour to:

- conduct a thorough investigation of the complainant's concerns,
- review information and judge impartially the validity of the complaint,
- find an appropriate and prompt resolution to the complaint,
- treat the complaint seriously and the complainant with respect.

Informal Complaints

It is in everyone's interest that complaints are resolved at the earliest possible stage. Most complaints can be resolved informally, without the need to employ formal procedures.

At this stage the complainant, if the parent of a pupil currently attending the Academy, should contact the appropriate Head of Department or Head of Year either in person, by telephone, or in writing by letter or e-mail. The complainant, if a member of the general public, should contact the Headteacher who will designate an appropriate member of staff to investigate the complaint.

The investigator, normally a Head of Department or Head of Year, will gather information relevant to the complaint in order that they may clarify the matter and respond appropriately. This will normally occur within ten school working days of the Informal Complaint being received.

The investigator will keep notes of any communication they have with the complainant, staff and/or pupils. These notes are for the internal use of the investigator who will be mindful that third party information should, wherever possible, remain confidential.

The investigator 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 Academy's procedures to ensure that similar issues do not recur.

An admission that the Academy could have handled the situation better is not the same as an admission of negligence.

If the complaint is not resolved, then the complainant may choose to refer the matter to the Headteacher. The Headteacher may try to resolve the complaint informally rather than proceed immediately to the formal stage.

Formal Complaints

Formal procedures are only necessary if attempts to resolve a complaint informally have been unsuccessful and the complainant wishes to take the matter further.

For a complaint to be dealt with formally it must be made to the Headteacher, normally in writing, and within five school working days of the outcome of an Informal Complaint.

The Headteacher or their nominee will investigate the circumstances of the complaint and may find it appropriate to ask for written statements from staff or pupils and to call for any relevant documentation.

If the complaint is against a member of staff, that member of staff has a right to be given details of the complaint, and the opportunity to make representation about it.

The results of the investigation will be presented to the Headteacher who will judge the validity of the complaint and decide an appropriate course of action.

The Headteacher 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 Academy's procedures to ensure that similar issues do not recur.

An admission that the Academy could have handled the situation better is not the same as an admission of negligence.

The complainant will be notified of the Headteacher's judgement in writing, or at a meeting with the complainant followed by written confirmation of the outcome of the complaint. This will normally occur within twenty school working days of the Formal Complaint being received. The complainant will be informed of their right of appeal to the Governing Body.

A central record of the Formal Complaint will be kept by the Headteacher. Complainants have a right to copies of these records under the Freedom of Information and Data Protection Acts.

The Headteacher will however be mindful that third party information should, wherever possible, remain confidential.

Should a complaint result in the Academy taking disciplinary action against a member of staff, the nature of this action will be confidential.

Complaints against the Headteacher or any individual governor should be made to the Clerk to the Governors of the Academy for the attention of the Chair of Governors. Complaints against the Chair of Governors should be made to the Clerk to the Governors of the Academy for the attention of the Vice Chair of Governors.

Appeals

Where a complainant is not satisfied with the Academy response to a Formal Complaint, they have the right to an appeal hearing. Any such request must be addressed to the Clerk to the Governors of the Academy for the attention of the Chair of Governors. Any appeal must be lodged in writing within five school working days of the outcome of a Formal Complaint.

The clerk will, upon receipt, refer the matter to the Chair of Governors who will form an Appeals Panel to hear the complaint and nominate a Panel Chair. The panel will consist of at least three people who are not directly involved in the matters detailed in the complaint, have no external interest in the outcome of the appeal and have had no involvement at an earlier stage of the complaint procedure. One panel member will be independent of the management and running of the Academy.

The clerk will write to the complainant, the Headteacher, the Chair of Governors and appeal panel members giving details of the meeting, requesting copies of any documents to be put before the meeting and the names of any witnesses that either party may wish to attend. The clerk will inform the complainant of their right to be accompanied at the hearing by one other person if they wish. This may be a relative, teacher or friend. Legal representation will not normally be required.

Both the Governing Body Appeal Panel and Headteacher will be mindful that third party information should, wherever possible, remain confidential.

The hearing will be held as soon as practicable after receipt of the referral. This will normally occur within twenty school working days. The Clerk to the Governors will give reasonable notice of the date and time of the hearing. The procedure at the hearing is at the discretion of the Governing Body Appeal Panel. The meeting will additionally have a clerk in attendance.

Wherever possible, the Governing Body Appeal Panel will hear the complaint without need for further investigation. Adjournment may however be necessary. If this is the case, the Governing Body Appeal Panel will decide how further investigation should be carried out.

After the hearing, the clerk will offer copies of the minutes of the meeting to all parties involved in the panel hearing and provide an opportunity for the minutes to be agreed and, if necessary, this record of the meeting to be challenged within five school working days of its receipt.

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 Academy's procedures to ensure that similar issues do not recur.

A finding that the Academy could have handled the situation better is not the same as a finding of negligence.

The decision of the Governing Body Appeal Panel is final.

A copy of the findings and recommendations of the panel will be sent in writing, by letter or e-mail, to the complainant and, where relevant, to the person complained about, and will be available for inspection on the Academy premises by the Headteacher. This will normally occur within ten school working days of the appeal hearing.

Recourse

If, following appeal, the complainant remains dissatisfied and attempts to reopen the same issues, the complaint will be viewed as serial or persistent. The Chair of Governors will inform them in writing that all stages of the complaints procedure have been completed and that the matter is now closed. Any further contact from the complainant regarding this complaint will be ignored by the Academy. Any further request for information will be considered vexatious and, in line with Section 14(1) of the Freedom of Information Act 2000, ignored.

If complainants wish to take the complaint further, they must complete the form available at:
https://form.education.gov.uk/submitform.php?self=1&form_id=cCCNJ1xSfBE&type=form&ShowMsg=1&form_name=Contact+the+Department+for+Education&noRegister=false&ret=%2Fmodule%2Fservices&noLoginPrompt=1

The complaint will be directed to the Education Funding Agency. This body will not overturn the decision taken by the Academy but will check that:

- there has been no undue delay in proceedings,
- the procedures in the Academy's Complaints Policy and other relevant policies were followed correctly,
- the Academy has complied with its funding agreement with the Education Secretary,
- the policy meets all legal requirements.

Complaints to the Education Funding Agency may also be sent to:

Providers, Standards and Intervention,
Education Funding Agency,
Earlsdon Park,
53 – 55 Butts Road,
Coventry,
CV1 3BH.

Unreasonable Complaints

A complaint may be regarded as unreasonable if the complainant:

- 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,
- makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by e-mail and/or by telephone while the complaint is being dealt with,
- 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 Academy's complaint procedure has been fully and properly implemented and completed.
- seeks an unrealistic outcome.

A complaint made in person, by telephone, or in writing by letter or electronically, may also be considered unreasonable if the complainant does so:

- 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.

Where, at any stage, a complaint is unreasonable, the Academy may have to:

- implement a tailored communications strategy,
- advise that a third party act on the complainant's behalf,
- notify the complainant that there will be no further response to their complaint.

Where aggression or abusive behaviour has been used, the Academy may have to:

- ask them to leave the Academy premises,
- inform the Police,
- bar them from being on Academy premises.

The Academy does not expect its staff to tolerate unacceptable behaviour and will take action to protect its staff from abuse, threat or assault.

Record Keeping

The Academy will keep a written record of all complaints and whether they are resolved at the preliminary stages or proceed to a panel hearing. The Academy will keep additional records of the following information:

- the date when the complaint was made,
- the name of the parent or member of the public making the complaint,
- the name of the pupil (if appropriate),
- a description of the complaint,
- records of all investigations (if appropriate),
- witness statements (if appropriate),
- the name or names of staff handling the complaint at each stage,
- any actions taken by the Academy as a result of the complaint,
- copies of all correspondence on the issue.

Evaluation

The Governing Body will monitor the nature and frequency of Formal Complaints, and any related Appeals, using records kept by the Headteacher.

Wherever possible, complaints information shared with the whole Governing Body will not name individuals. Documentation will remain confidential except where the Secretary of State for

Education, or a body conducting an inspection under chapter 1 (109) of Part 4 of the Education and Skills Act 2008 requests access.

The policy will be evaluated in the light of complaints made and their resolution in order to contribute to Academy improvement.

The Governing Body will review the Academy Complaints Policy periodically. However, should the Education Funding Agency advise the Academy that its policy needs to be amended, or new legislation require this, these changes will be made as soon as possible.