



# Compliments, Concerns and Complaints Policy

Broadclyst Community Primary School

Revised: April 2013

This policy and all other documents relating to this policy are available in other formats on request.

## **1. Scope of this policy**

- 1.1. This policy sets out the Academy's procedures for dealing with compliments, concerns and complaints relating to the services provided by the Academy.
- 1.2. This policy may be used by anyone who has a compliment, concern or complaint about any aspect of the Academy. This includes parents and carers of pupils, neighbours of the Academy or any other members of the local community.
- 1.3. It does not apply to concerns and complaints relating to the following, which are dealt with under separate policies:
  - Staff grievances or disciplinary procedures
  - Admissions
  - Exclusions
  - Issues related to child protection or criminal investigations
  - Any community facilities or services provided by the Academy
- 1.4. There may be occasions where a concern or complaint gives rise to disciplinary procedures against a staff member which put the procedures detailed in this policy on hold. If and when this occurs, the individual who has a concern or complaint will be informed. Any non-disciplinary aspects of the concern or complaint will continue to be dealt with under this policy.

## **2. Aims and objectives**

- 2.1 The Academy strives to provide an outstanding education for all our children and the Headteacher and other staff work hard to build positive relationships with all children, parents/carers and the wider community.
- 2.2 We always welcome positive feedback about the Academy, its staff and its pupils. However, we recognise that there may be times when an individual may be unhappy with the services provided by the Academy, has a concern relating to the Academy or may want to make a suggestion about how we can improve.
- 2.3 The Academy aims to:
  - Be receptive to genuine expressions of dissatisfaction
  - Encourage the resolution of problems by informal means wherever possible
  - Deal with complaints quickly, proportionately and fairly and within clearly defined time limits
  - Take action as a result of concerns or complaints that helps to improve the quality of the education and training provided by the Academy
  - Take account of the Academy's duty to promote equality and diversity
  - Maintain good working relationships between all people involved with the Academy

### **3. Compliments procedure**

- 3.1 An individual wishing to make a compliment about a pupil, staff member, team or the Academy can do so either:
- In person to administrative staff, teaching staff, senior teaching staff, Governors or the Headteacher
  - By letter or email to the Headteacher or the Chair of Governors
- 3.2 The compliment will be passed on to the relevant individual(s) and their line manager or, in the case of a pupil, their class teacher.

### **4. Managing Concerns and Complaints**

- 4.1 The Academy strives to resolve all concerns and complaints informally and all matters of concern and complaint should first be raised under Stage 1 of this policy. Only if this informal procedure fails to resolve the matter should a formal complaint be made.
- 4.2 Any individual with a concern or complaint may be accompanied or represented by a friend or relative at discussions and meetings about the concern or complaint and/or submit formal complaints which have been written by another individual on their behalf.
- 4.3 At each stage, where a concern or complaint is upheld, in part or in full, it may be appropriate for the Academy to offer one or more of the following:
- an apology
  - an explanation
  - an admission that the situation could have been handled differently or better
  - an assurance that the issue complained of will not recur
  - an explanation of the steps that have been or will be taken to ensure that the issue will not happen again
  - an undertaking to review the Academy's policies in light of the concern or complaint
- 4.4 At each stage, if all or part of a concern or complaint is not upheld or the matter is not resolved to an individual's satisfaction, the individual may either choose to take no further action or to take their concern or complaint to the next stage.
- 4.5 In general, the time limits and deadlines contained within this policy should be adhered to. If it becomes necessary to alter the time limits and deadlines set out within this policy, the individual with the concern or complaint will be told and given an explanation as to why this has been the case.
- 4.6 At all stages of the complaints procedure, the following information should be recorded by the Academy in writing:
- The name of the individual with the complaint or concern
  - The date and time when the concern or complaint was raised
  - The details of the complaint
  - The desired outcome of the individual
  - How the concern or complaint is investigated (including written records of interviews held)
  - Results and conclusions of investigations
  - Any action taken
  - The individual's response (satisfaction or further pursuit of complaint)

4.7 Records of concerns and complaints should be retained in the administrative office of the Academy for the periods specified in the Academy's policy on record retention and be used by the Academy to improve the Academy's services.

4.8 If, at any stage, the Headteacher or Chair of Governors feels that the concern or complaint is vexatious, has insufficient grounds, has already been considered in full or has been closed, the Headteacher or Chair of Governors may write to the individual to refuse to consider their concern or complaint under this policy and the reasons why they are refusing to do so. In this eventuality, the individual with the concern or complaint may proceed directly to Stage 5 of this policy.

#### **5. Stage 1: Informal procedure for dealing with concerns and complaints**

5.1 An individual can raise informal concerns and complaints with administrative staff, teaching staff, senior teaching staff, Governors or the Headteacher. If a parent/carer has concerns relating to their child, these should, in the first instance, be discussed with their child's class teacher.

5.2 The member of staff approached about the concern or complaint may share the details of the matter with others to seek further information or to decide on the appropriate action to be taken.

5.3 The matter will be considered and dealt with as quickly and effectively as possible. If requested, the individual who raised the concern or complaint should be informed of any action to be taken to resolve the issue.

5.4 Where an individual feels that a situation has not been resolved, or their concern or complaint is of a sufficiently serious nature, they should make an appointment to discuss the matter informally with the Headteacher.

5.5 The Headteacher will meet with the individual as soon as possible to discuss their concern or complaint. If it is possible, an informal resolution should be reached and the individual who raised the issue should be informed of any action to be taken to resolve the issue.

5.6 Should an individual have a concern about the Headteacher, the steps under 5.4 and 5.5 should, instead, be dealt with by the Chair of Governors.

#### **6. Stage 2: Formal complaint to the Headteacher**

6.1 Only if Stage 1 fails to resolve the matter should a formal complaint be made to the Headteacher. The Academy is not obliged to consider a formal complaint if the Stage 1 informal procedure has not been followed.

6.2 The complainant must submit their complaint to the Headteacher in writing, stating the nature of the complaint and details of how the matter has been dealt with so far. The letter should enclose copies of all supporting documentation.

6.3 The Headteacher should formally acknowledge the complaint within five school days of receipt.

6.4 The Headteacher will investigate the complaint and review any relevant documentation and information. If necessary, the Principal will interview witnesses and take written statements

from those involved. When pupils are interviewed, another member of staff should always attend. The Headteacher may delegate the task of collating information relating to the complaint to another member of staff but not the decision on the action to be taken.

6.5 The Headteacher will provide the complainant with a full written response within ten school days of acknowledging the complaint. This response will determine whether or not the complaint has been upheld, the reasons why and what action (if any) will be taken. The letter should state that if the complainant is dissatisfied with the response and would like to take their complaint further, they should consult this policy.

6.6 Should an individual have a concern or complaint about the Headteacher, Stage 2 should, instead, be dealt with by the Chair of Governors.

### **7. Stage 3: Formal complaint to the Chair of Governors**

7.1 Only if Stages 1 and 2 fail to resolve the matter should a formal complaint be made to the Chair of Governors.

7.2 The complainant must submit their complaint to the Chair of Governors in writing addressed to the Academy, stating the nature of the complaint and details of how the matter has been dealt with so far. The letter should enclose copies of all supporting documentation.

7.3 The Chair of Governors should formally acknowledge the complaint within five school days of receipt.

7.4 The Chair of Governors will investigate the complaint and review any relevant documentation and information. If necessary, the Chair of Governors will interview witnesses and take written statements from those involved. When pupils are interviewed, another member of staff should always attend.

7.5 The Chair of Governors will provide the complainant with a full written response within ten school days of acknowledging the complaint. This response will determine whether or not the complaint has been upheld, the reasons why and what action (if any) will be taken. The letter should state that if the complainant is dissatisfied with the response and would like to take their complaint further, they should consult this policy.

7.6 Should the complaint be about the Chair of Governors or be about the Headteacher and the Chair of Governors was involved with Stages 1 or 2 of this policy, the letter of complaint should be addressed to the Clerk to the Governors at the Academy's address, who will arrange for another Governor to manage this stage of the complaint in the place of the Chair of Governors.

### **8. Stage 4: Review by the Complaints Committee**

8.1 If the complainant wishes to appeal against a decision made under Stage 3, they should make a written request for a review by the Complaints Committee. This letter should be sent to the Academy, addressed to the Chair of Governors, within fifteen school days of receipt of the decision letter from the Chair of Governors under Stage 3. The letter should enclose copies of all supporting documentation and give details (including names and addresses) of any witnesses the complainant intends to call.

8.2 The review will be heard by a Complaints Committee consisting of:

- the Chair of Governors
- between one and three Governors who have had no prior involvement in the complaint or the circumstances surrounding it
- an Independent Member, being a person who is independent of the Academy and who does not have any connection with the Academy or with any person employed by the Academy of a kind which might reasonably be taken to raise doubts about their ability to act impartially

8.3 The Chair of Governors will acknowledge receipt of the appeal letter within five school days of receiving it. This letter will inform the complainant that their complaint will be heard by a Complaints Committee.

8.4 Within fifteen school days of the written complaint being received, the Clerk to Governors should formally write to the complainant, the Headteacher and any other relevant staff or witnesses and inform them:

- of the date, time and venue of the review
- the aims and objectives of the review and how it will be conducted
- the names of the Complaints Committee members
- the names of any witnesses that will be attending
- that any documentation they wish the Complaints Committee to consider, including signed and dated witness statements, must be returned to the Clerk to Governors no later than five school days before the review
- that copies of any documentation, including signed and dated witness statements, will be provided to the other party no later than three school days before the review
- of the right for any party to be represented if they wish
- how and when the Complaints Committee will reach their decision

8.5 Subject to the need to deal with complaints quickly, proportionately and fairly, the Clerk to Governors will use all reasonable endeavours to ensure that the dates and times for the review are convenient to all parties and that the venue and proceedings are accessible.

8.6 Notes will be taken of the meeting by the Clerk to the Governors or another appropriate third party who has no prior involvement in the complaint or the circumstances surrounding it.

8.7 The review should allow each party involved to explain their understanding or interpretation of events and for other parties to question them. The review will, usually operate according to the following format:

- The Chair of Governors will introduce all parties to one another and explain the principles, objectives and format of the review
- The complainant will be given the opportunity to explain their complaint
- The Headteacher and the Complaints Committee will be allowed to ask the complainant questions
- The Headteacher will be given an opportunity to explain the Academy's official response, interpretation or view about the complaint
- The complainant and Complaints Committee will be allowed to question the Headteacher
- Every party will be given the opportunity to call witnesses and question witnesses called by other parties
- The Headteacher and the complainant will both be given the chance to make final statements

8.8 After hearing all the evidence, the Complaints Committee will consider their decision and inform both parties of their decision in writing within five school days.

8.9 The Complaints Committee can:

- Request further information from the complainant or the Headteacher to assist them in making their decision
- 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 systems or procedures to ensure that problems of a similar nature do not reoccur

8.10 Should the complaint be about the Chair of Governors or be about the Headteacher and the Chair of Governors was involved with Stages 1, 2 or 3 of this policy, the letter of complaint should be addressed to the Clerk to the Governors, who will arrange for another Governor to manage this stage of the complaint in the place of the Chair of Governors.

## **9. Stage 5: Referral to the Secretary of State**

9.1 If the complainant is not satisfied with the review under Stage 4, they are entitled to refer their complaint to the Education Funding Agency who will consider the complaint on behalf of the Secretary of State in accordance with Agency's 'Procedure for dealing with complaints about Academies'. A copy of the procedure in force at the time of preparing this policy is attached at Annex A.

Responsible person: Headteacher

Date of last changes: April 2013

Next review date: March 2015

## ANNEX A

### Education Funding Agency Procedure for dealing with complaints about Academies

#### Procedure for dealing with complaints about academies

##### Introduction

1. This document explains how you can complain to the Education Funding Agency (EFA) about academies and the procedure for considering them. A summary of the procedure is at Annex 1. Please note that there is a specific, separate procedure for complaints about the administration of independent appeal panels for admissions to academies. This is accessible on the Department for Education's website.
2. The precise nature of the relationship between the Secretary of State for Education and an academy is set out in the funding agreement to which they are both party. Complaints about academies are handled by the EFA on behalf of the Secretary of State in this context, rather than under a statutory framework for complaints, such as that relating to maintained schools. Academy funding agreements are available on the Department for Education's website or by contacting the Department (see paragraph 11).
3. Generally, the EFA can only look at complaints about academies that fall into the following two areas.

**a. The academy did not comply with its own complaints procedure when considering a complaint or the academy's complaints procedure does not comply with statutory requirements (see paragraph 4)**

The EFA cannot review or overturn an academy's decisions about complaints but will look at whether the academy considered the complaint appropriately. The EFA will generally only do this after a complaint has been through the academy's own procedure but may investigate sooner if there is evidence of undue delays by the academy. If the EFA finds that an academy did not deal with a complaint appropriately it will request that the complaint is reconsidered. Similarly, if the academy's complaints procedure does not meet statutory requirements then the EFA will ensure this is put right.

**b. The academy has failed to comply with a duty imposed on it under its funding agreement with the Secretary of State.**

One of the EFA's main responsibilities is to ensure that academies comply with their funding agreement with the Secretary of State. The EFA will seek to resolve any concerns regarding potential or actual breaches of the funding agreement with the academy directly but this will depend on the evidence provided. Once the EFA is satisfied that an academy is in breach of the funding agreement, and that the breach cannot be addressed informally, then, if appropriate, it will seek to enforce compliance through the courts.

The EFA will also consider evidence that an academy has failed to comply with any other legal obligation placed on it. However, there may be another organisation that is better placed to consider the matter, in which case the EFA will refer the complainant or the complaint to them. This may include, but is not limited to, a court of law or other tribunal of competent jurisdiction, local authorities or regulatory bodies. Enforcement of any breach of a legal obligation will either be through the mechanisms of the organisation to which the complaint has been referred or by the EFA, whichever is appropriate.

### **Responsibilities on academies**

4. Academies must make available on request a procedure for dealing with complaints. For complaints from parents of pupils, this procedure must comply with The Education (Independent School Standards) Regulations 2010 and offer:

- an opportunity to resolve the complaint with the academy on an informal basis, for example through discussion with a senior member of staff;
- a formal complaint stage when the complaint is made in writing and usually responded to by the chair of governors; and
- a hearing with a panel set up by the academy trust, comprising at least three people not directly involved in the matters detailed in the complaint, one of whom must be independent of the management and running of the school.

### **What the EFA will not investigate**

5. **We will not investigate** complaints about:

- examination results or curriculum content where a more appropriate form of redress would be the examining body or Ofqual;
- safeguarding or child protection matters, which should be taken up with the academy's Local Safeguarding Children's Board;
- a child or young person's Statement of Special Educational Need where there is another route of appeal, for example the First-Tier Tribunal (Special Educational Needs and Disability) Service formerly the Special Educational Needs and Disability Tribunal (SENDIST): <http://www.justice.gov.uk/tribunals/send>;
- incidents that are subject to a current investigation by the Local Government Ombudsman; and
- matters that are the subject of legal action.

6. We will not usually investigate complaints more than 12 months after the decision or action was taken unless the complainant has good reason for the delay in making the complaint.

7. We reserve the right not to investigate complaints considered to be vexatious or malicious or where we are satisfied with the action that the academy has already taken or proposes to take to resolve the complaint.

### **What the EFA will investigate**

8. The EFA will investigate complaints about:

- undue delay or non-compliance with an academy's own complaints procedure;
- an academy's failure to comply with a duty imposed on it under its funding agreement with the Secretary of State; or
- an academy's failure to comply with any other legal obligation, unless there is another organisation better placed to consider the matter.

### **Complaining to the EFA about an academy**

9. The EFA will deal with complaints about academies in accordance with the following principles.

- Academies should be receptive to genuine expressions of dissatisfaction.
- Complaints are dealt with promptly, fairly and proportionately; they are also resolved at the most local level possible.
- In dealing with complaints the EFA will take account of its public sector equality duty (under the Equalities Act 2010).

10. Where possible, complainants will be asked to put their complaint in writing. If the complainant has difficulty in providing details in writing, we will consider alternative ways of receiving the information.

11. Complaints about academies should be sent:

- Via the Department for Education's school complaints form.
- By post to Department for Education, Castle View House, East Lane, Runcorn, Cheshire, WA7 2GJ

### **Receiving a complaint**

12. Complaints will be acknowledged in writing within 5 working days. The complaint will be allocated to a named case officer who will contact the complainant and consider the complaint in line with this procedure.

### **Assessing the complaint**

13. Correspondence about a complaint that falls outside of the definition in paragraph 8 above will be responded to within 10 working days of sending the acknowledgement explaining why EFA is unable to investigate. Where possible, information will be given about what the complainant can do instead. However, their complaint will not be taken further under this procedure.

14. The EFA may require further information before it can decide whether or not to investigate a complaint under these procedures. If so, the EFA will write within 10

working days of sending the acknowledgement setting out the details of what is needed. This may, for example, be a request for confirmation that all stages of the academy's complaints procedure have been followed or further information about any delays being experienced by the complainant.

15. Before we begin an investigation, the complainant will be asked to:

- agree a summary of the complaint prepared by the EFA;
- give permission to the EFA to disclose details of the complaint to the academy concerned; and
- give permission to the EFA to seek confirmation from the academy that its complaints procedure has been followed through all its stages.

16. This request will be sent within 10 working days of sending the acknowledgement.

### **Investigation**

17. The EFA will consider the response from the complainant and, if appropriate, amend the summary of the complaint before sending it to the academy. The summary will be sent to the academy within 5 working days of receipt of the response from the complainant.

18. The academy will be asked to provide:

- a copy of its complaints procedure and details of any other relevant procedures;
- an explanation of how each stage of its complaints procedure has been followed; and
- a response to the summary of the complaint together with relevant documents.

The academy will be asked to respond within 10 working days and, if necessary, to explain why this information should not be shared with the complainant, for example if the documents include data belonging to individuals not involved in the complaint.

19. The EFA will forward the academy's response to the complainant within 5 working days of receipt.

20. The complainant will then be asked to confirm within 5 working days whether they:

- are satisfied with the response, in which case the EFA will close the case; or
- wish to pursue the matter further

21. Where the complainant remains dissatisfied with the response, the EFA within 10 working days will make a provisional decision based on the evidence gathered and send this to both parties.

22. Both parties will be asked to comment on the provisional findings within 10 working days.

### **Adjudication**

23. The EFA will consider any responses from both parties and any new evidence available on whether or not the academy was in breach of its funding agreement. The EFA will then confirm its findings and decision in writing within 5 working days of receiving the last response to its provisional findings, or 15 working days from sending out the provisional findings, whichever is the later.

24. Once EFA has informed all the parties concerned of its decision, it will consider the complaint closed.

### **Actions**

25. The actions the EFA takes will depend on the nature of the complaint and the extent to which it is upheld. Such actions may include:

asking the academy to review its procedures to ensure there is no recurrence (e.g. breach of the funding agreement); or

asking the academy to review its decision on the complaint submitted to it, or change its procedures for reaching the decision if they are non-compliant with statutory requirements.

26. If the academy does not comply with the actions, the EFA may on behalf of the Secretary of State, if appropriate, seek to enforce its decision through the courts under the terms of the funding agreement.

Annex 1

Summary of procedure

