

Complaints Policy

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1. INTRODUCTION

- 1.1 Under Section 29 of the Education Act 2002 all Governing Bodies are required to have in place a procedure for dealing with complaints.
- 1.2 All schools and Academies in Norfolk want their students to be healthy, happy and safe and to achieve. They recognise that parents and carers play an important part in making this happen. Co-operation between parents, carers, staff and Governors leads to a shared sense of purpose and a good atmosphere in the school or Academy.
- 1.3 Each level of the following procedures set out below offers the opportunity for concerns and complaints to be resolved as quickly as possible.

STAGE 1: INFORMAL LEVEL 1

Parents, carers or guardians should, in the first instance, contact a SAFE Tutor about the concern. It is best to resolve issues at this point. The issue that is the focus of the complaint will determine which person should deal with it in the first instance in Academy. As a guide:

Concern/Problem/Issue	Academy Representative at Level 1
Academic progress/homework in a subject	Subject teacher/House Leader
Academic progress/homework generally	House Leader
Behaviour/Duty of Care/pastoral	SAFE Team/Form Tutor
Medical issues	SAFE Team
Transport (Academy buses)	SAFE Team
About a specific subject teacher	The relevant Subject Leader
About a Form Tutor	The relevant House Leader

Guidance on Informal Level 1 is as follows:

Concerns should initially be handled informally in a manner that offers the best way of resolving issues at the most appropriate level.

- *The SAFE Team should offer an appointment with themselves and the most appropriate member(s) of staff to discuss the issue as quickly as possible as this will give both parties time to talk about it calmly and politely without being interrupted. This can allow parties to remain calm. It will also show a commitment to resolving issues.*
- *It is important for parents and carers to recognise that the Academy is a busy organisation and that it may not be possible to offer an appointment straight away.*
- *The parties involved should be encouraged to offer their view of what would be a realistic resolution to the problem.*
- *It is good practice for the Academy representative to put in writing, by letter or email, to the parents or carers a summary of what has been agreed regarding the issue.*
- *It is important for parents and carers to recognise that the Academy has in place a 'Dignified Communications Protocol' for meetings and communications (see Appendix 2).*

- Depending on the severity of the issue, a few concerns may well be referred to a Level 3 scenario in the first instance. This will be especially true of issues concerning safeguarding.
- Parents who try to contact the Principal to solve a problem should not be surprised if they are re-directed to an Academy representative at what could be perceived to be a 'lower level'. This is because the Academy will always seek to resolve a concern/complaint with the Academy representative who can most effectively resolve the specific problem for the long term. It must be recognised that the Academy has a hierarchy of operations and the involvement of those perceived to be of less seniority cannot be over ridden by those in more 'senior' positions as this makes for ineffective management and thus ineffective provision for pupils in the long term.

STAGE 1: INFORMAL LEVEL 2 (Middle Leader Level)

Parents, carers or guardians dissatisfied with the result of the discussions at Level 1 should ask for an appointment to meet with the next most senior member of staff to discuss the concern. Again, the issue that is the focus of the complaint will determine which person should deal with it at the next level. As a guide:

Concern/Problem/Issue	Academy Representative at Level 2
Academic progress/homework in a subject	Subject Leader/Head of Faculty
Academic progress/homework generally	House Director
Behaviour/Duty of Care/pastoral	Inclusion Manager
Medical issues	Inclusion Manager
Transport (Academy buses)	Inclusion Manager
About a specific subject teacher	The relevant Subject Leader/Head of Faculty
About a Form Tutor	The relevant House Director

Guidance on Informal Level 2 is as follows:

- *It is always best to resolve issues informally at the earliest possible time but if the person is not satisfied with the result at Level 1 then the Academy has the capability to address this at a more senior level.*
- *It is in everyone's interest, particularly the child or children, for concerns and complaints to be sorted out quickly and smoothly.*
- *The aim should be that discussions end on a positive note with no misunderstanding or bad feeling.*
- *It is good practice for the Academy representative to put in writing, by letter or email, to the parents or carers a summary of what has been agreed regarding the issue.*
- *It is important for parents and carers to recognise that the Academy has in place a 'Dignified Communications Protocol' for meetings and communications (see Appendix 2).*

It is hoped that most problems will have definitely been resolved by now.

STAGE 1: INFORMAL LEVEL 3 (Senior Leader Level)

Parents, carers or guardians dissatisfied with the result of the discussions at Level 2 should ask for an appointment to meet with the next most senior member of staff to discuss the concern. Again, the issue that is the focus of the complaint will determine which person should deal with it at the next level. As a guide:

Concern/Problem/Issue	Academy Representative at Level 3
Academic progress/homework in a subject	LT link for the subject/Deputy Principal
Academic progress/homework generally	Deputy Principal
Behaviour/Duty of Care/Pastoral	Assistant Principal i/c Student support
Medical issues	Assistant Principal i/c Student support
Transport (Academy Buses)	Assistant Principal i/c Student support
About a specific subject teacher	The relevant Subject Leader/Head of Faculty
About a Form Tutor	Assistant Principal i/c Student support

If a resolution to the issue is proving difficult to find, the Academy representative can speak to a member of the Local Governing Body about the issue who may be willing to offer informal intervention. However, there is no obligation on any Governor to become involved at this level.

If everyone involved is unable to resolve the issue then it may be necessary to ask for information or support from a Human Resources representative from Norfolk Educational Services (NES).

Guidance on Informal Level 3 is as follows:

- *It is in everyone's interest, particularly the child or children, for concerns and complaints to be sorted out quickly and smoothly.*
- *The aim should be that discussions end on a positive note with no bad feeling.*
- *It is good practice for the Academy representative to put in writing, by letter or email, to the parents or carers a summary of what has been agreed regarding the issue.*
- *The Academy representative may feel that a particular Governor's input would be helpful in bringing about a resolution but there is no obligation on any Governor to become involved at this level.*
- *The advice from a Human Resources Representative will be designed to help facilitate a resolution to the problem as quickly as possible.*
- *It is important for parents and carers to recognise that the Academy has in place a 'Dignified Communications Protocol' for meetings and communications (see Appendix 2)*

It is hoped that almost all problems will have been resolved by now.

STAGE 2: FORMAL LEVEL 4 (FORMAL COMPLAINT TO THE PRINCIPAL)

An issue that has not been resolved through the Informal Levels 1 to 3 can become an official complaint.

Parents, carers or guardians wishing to move to Level 4 must write a formal letter of complaint to the Principal. The letter will need to set out clearly the issues which have previously been discussed and why the parent, carer or guardian considers the issue to be unresolved.

Principals should consider the complaint and may wish to discuss a resolution with the complainant. The Principal should offer a resolution to the complainant in writing within ten school days of receipt of the letter.

Guidance on Formal Level 4 is as follows:

- *An unresolved issue can now move to a formal complaint. This is a serious step to be taken. In consideration of future home/Academy relationships everyone concerned will need to negotiate an agreement and concentrate on finding a resolution to the issue.*
- *The decision that the Principal has made as a result of the complaint does not become a complaint about the Principal. If the complainant feels the complaint has not been resolved then he/she should proceed to Level 4, a Governors' Complaints Panel.*
- *If, the concern or complaint is specifically about the Principal and is unable to be resolved at the informal stage, then it will be necessary for the complainant to formally complain to the Chair of Governors. The Academy will provide the Chair of Governor's name and the complainant should write to him or her at the Academy address marking the envelope, 'Urgent, private and confidential'. The Chair of Governors should acknowledge the complainant's letter in writing within five school days of receipt and can contact a Governor Support Service Officer for advice.*

STAGE 3: FORMAL LEVEL 5 (FORMAL COMPLAINT REQUESTING A GOVERNORS' COMPLAINT PANEL)

Time scales are shown in the following table:

TIME SCALES	
Receipt of complainant's letter	Acknowledgement within five school days
Receipt of complainant's letter	Governors' Panel meeting within fifteen school days (unless this goes into school holidays)
Written documentation sent to Governors' Panel Members and complainant and Principal	Five school days before meeting
Governors' Panel members decision communicated to all concerned	As soon as possible but within ten school days of meeting

Complainants wishing to move to Level 5 of the formal complaints procedure will need to write a letter to the Chair of Governors to request that a Governors' Complaints Panel meets to hear the complaint. This formal complaint letter must be received within ten school days of the last meeting with the Principal concerning the issue. The complainant should write to the Chair of Governors at the Academy address marking the envelope, 'Urgent, Private and Confidential'. The letter will need to set out the complaint that has previously been formally discussed with the Principal and show why the matter is not resolved.

Before the meeting, the Chair of Governors should appoint a Clerk to the Governors' Complaints Panel, acknowledge the complainant's letter in writing within five school days of receipt and arrange for a panel of Governors of at least three Governors/Board Directors which will normally include the Principal /Chief Executive. No member of the panel will have had any prior involvement in the complaint or its investigation. The panel will meet within fifteen school days of receipt. It must be recognised that if the letter is received within fourteen school days to the end of term, it may not be possible to organise the Governors' Panel Meeting. In this case, the matter should be dealt with within ten school days of the Academy re-opening in the next term.

The Principal should be given a copy of the complainant's letter and written documentation should be requested from the Academy. The Clerk should send both the complainant's letter and the Academy documentation to the Governors' Complaints Panel members, complainant and Principal (and anyone else involved in the meeting) at least five school days before the date of the meeting.

The complainant and Principal are invited to attend the Governors' Complaints Panel meeting in order to give a verbal statement in support of their documentation. Each of them can bring someone to support them if they wish.

At the Meeting

The complainant and Principal (or his/hers representative) should provide all the relevant information they wish and the Governors' Complaints Panel members should clarify any points. After the complainant and Principal (or his/her representative) have provided all the information they wish, the Chair will ask all parties to leave except the panel members and the Clerk.

After the Meeting

The Governors' Complaints Panel will write to all concerned within ten school days to explain their decision and suggest a resolution to the problem, if appropriate. The decision of the Governor's Complaints Panel is final.

The decision of the Governors' Complaints Panel will not be investigated. If the Complaints Policy has been exhausted there is no further recourse within the Trust. However, if a complainant is dissatisfied with the response of the Trust they are at liberty to write to the Secretary of State for Education or other appropriate external body.

If, however, the complainant feels that the Academy and Governors have not followed the Academy's complaints procedure correctly, he/she can contact the Education Funding Agency (EFA). Complaints about academies will be investigated by the Academies directorate in the EFA in consultation with the Legal and Governance Team. If a complainant has been through all the stages of the Academy's complaints procedure but remains dissatisfied, they can ask the Education Funding Agency to review the handling of their complaint by writing to: Department for Education, Castle View House, East Lane, Runcorn, Cheshire, WA7 2GJ.

The EFA will only 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;
- an Academy's failure to comply with any other legal obligation, unless there is another organisation better placed to consider the matter as set out in the next section.

The EFA cannot change the decision an Academy has made about a complaint. The EFA can look at whether the Academy considered the complaint properly, following a procedure that is in line with legal requirements. If the EFA upholds a complaint against an Academy it can do one or both of the following:

- ask the Academy to reconsider the complaint from an appropriate stage;
- ask the Academy to change its complaints procedure so that it complies with legal requirements.

Guidance on Formal Level 5 is as follows:

Before the meeting:

- *The formal complaints letter should be passed to the Vice Chair if the Chair will be unable to receive the letter within five days.*
- *Members of the Governors' Complaints Panel should have no prior knowledge of the complaint and it is, therefore, unlikely that Staff Governors will be members of the panel.*

At the meeting:

- *The Complaints Panel must be made up of at least three members and a Clerk.*
- *Although this is a formal meeting, every effort should be made to make it as informal as possible for all concerned.*
- *Everyone attending should be in the room at the same time.*
- *Consideration may need to be given to the seating arrangements to make everyone feel equal and comfortable.*
- *The Clerk should take notes of the meeting, listing who is present:*
 - *Governors, stating who is the Chair of the Governors' Complaints Panel*
 - *Principal (or his/her representative) and any other members of Academy staff*
 - *Parents or carers and anyone accompanying them e.g. friend*
 - *Clerk*
- *The Chair of the Governors' Complaints Panel should open the meeting stating the purpose and the format of the meeting to clarify this to all in attendance.*
- *People present should introduce themselves stating their reason for being at the meeting.*
- *The Chair of the Governors' Complaints Panel should request a verbal statement from the complainant in support of his or her written letter of complaint and why s/he feels the issue has not been resolved. The Governors' Complaints Panel members can ask questions to make sure they understand the issue from the parent's point of view.*

- *The Chair of the Governors' Complaints Panel should request a verbal statement from the Principal (or his representative) in support of his/her written account of the complaint and the steps taken to resolve the issue. The Governors' Complaints Panel members can ask questions to make sure they understand the issue from the Principal's point of view.*
- *The members of the Governors' Complaints Panel should make sure they fully understand the issues and ask any further questions to clarify any points that are still not clear to them.*
- *The Chair of the Governors' Complaints Panel must ask the complainant and the Principal (or his representative) if they are satisfied that they have provided all the information they wanted or if there is something they wish to add and if they feel they have had a fair hearing.*
- *When the Governors' Complaints Panel members understand all the issues, the Chair will ask all parties to leave except the panel members and the Clerk.*

After the meeting

- *The Governors' Complaints Panel members then discuss the issues in private and the clerk remains to record the decision.*
- *The Governors' Complaints Panel will need to consider the information, come to a decision and suggest a way to resolve the issue taking into account the best interests of the child or children.*
- *When the Panel have reached a decision, the Clerk will inform everyone concerned in writing as soon as possible, but in any event, within ten school days of the panel meeting.*

The decision of the Governors' Complaints Panel is final.

Once a Governors' Complaints Panel has heard a complaint and it is clear that correct procedures have been followed, that specific complaint cannot be reopened. If a request is received in this respect, the Chair of Governors should inform the complainant that the matter is closed.

Any complaints concerning the conduct of Academy staff will be handled in accordance with the Academy's internal disciplinary procedures. The details of such an investigation will remain confidential.

Some complaints e.g. regarding admissions or special educational needs are covered by statutory regulations. The Principal or Deputy Principal can give information about these issues.

2. COMPLAINTS ABOUT THE PRINCIPAL

- 2.1 If your complaint involves the Principal you should firstly have had direct discussions with the Principal. Where it is not possible to resolve the complaint through discussions you should set out your complaint in writing and send it to the Chief Executive Officer of the TEN Group with a copy to the Principal. The Chief Executive Officer will be responsible for ensuring the correct procedure is carried out. A written reply will be sent to you following the investigation. This will normally take place within 20 working/school days.

3. VEXATIOUS COMPLAINANTS

- 3.1 It is important to distinguish between people who make a number of complaints because they really think things have gone wrong, and people who are being deliberately difficult. Complainants can be frustrated and aggrieved and it is therefore important to consider the merits of the case rather than their attitude. Even though someone has made vexatious complaints in the past, it cannot be assumed that the next complaint is also vexatious. Each complaint must be considered as to whether it is vexatious or genuine. There is no way of avoiding evaluating each complaint.

APPENDIX 1: FLOWCHART OF PROCEDURE FOR HANDLING CONCERNS AND COMPLAINTS

STAGE 1: INFORMAL LEVEL 1 (INFORMAL DISCUSSION OR MEETING)

Concern/Problem/Issue	Academy Representative at Level 1
Academic progress/homework in a subject	Subject teacher/House Leader
Academic progress/homework generally	House Leader
Behaviour/Duty of Care/pastoral	SAFE Team/Form Tutor
Medical issues	SAFE Team
Transport (Academy buses)	SAFE Team
About a specific subject teacher	Subject Leader/Head of Faculty
About a Form Tutor	The relevant House Leader

Resolved

Unresolved

STAGE 1: INFORMAL LEVEL 2 (MIDDLE LEADER LEVEL)

Concern/Problem/Issue	Academy Representative at Level 2
Academic progress/homework in a subject	Subject Leader/Head of Faculty
Academic progress/homework generally	House Director
Behaviour/Duty of Care/pastoral	Inclusion Centre Manager
Medical issues	Inclusion Centre Manager
Transport (Academy buses)	Inclusion Centre Manager
About a specific subject teacher	The relevant Subject Leader/Head of Faculty
About a Form Tutor	The relevant House Director

Resolved

Unresolved

STAGE 1: INFORMAL LEVEL 3 (SENIOR LEADER LEVEL)

Concern/Problem/Issue	Academy Representative at Level 3
Academic progress/homework in a subject	Leadership Team Link for subject/Deputy Principal
Academic progress/homework generally	Deputy Principal
Behaviour/Duty of Care/pastoral	Assistant Principal i/c Student Support
Medical issues	Assistant Principal i/c Student Support
Transport (Academy buses)	Assistant Principal i/c Student Support
About a specific subject teacher	The relevant Subject Leader/Head of Faculty
About a Form Tutor	Assistant Principal i/c Student Support

Resolved

Unresolved

STAGE 2: WRITTEN FORMAL COMPLAINT TO THE PRINCIPAL

Time Scales	
Receipt of complainant's letter	Acknowledgement within three school days
Principal offers a resolution	Within 10 school days of receipt or a meeting

Dignified Communications Protocol

**We will listen to what you say and act with integrity.
We will treat you with respect. We make a
commitment to respond in a positive and helpful
manner to try and resolve any issues you may have.
In return, our staff have the right to be treated with
respect and to be free from physical or verbal threat**

We ask from you:

- That you remain polite, calm and reasonable in your interactions with us
- That you always take into consideration the wellbeing of our students and staff
- That you recognise that the student body is our primary concern; in the hectic demands of an Academy day we may not always be able to respond immediately to an individual issue
- That you don't shout
- That you only use appropriate language
- That you don't make insulting comments
- That you don't make any physical contact
- That you act with integrity

**We reserve the right to terminate phone calls
and face to face meetings that we consider to be
threatening, aggressive or abusive.**

"All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood."
(Article 1 The Universal Declaration of Human Rights)