

# NEWPORT COMMUNITY SCHOOL PRIMARY ACADEMY



# COMPLAINTS POLICY

**Date Adopted: 08<sup>th</sup> February 2018**  
**Author/owner: Resources Committee**  
**Anticipated Review: Spring 2019**  
**Under Review Autumn 19 LGB**

## **1 Introduction**

- 1.1 We believe that our academy provides an outstanding education for all our children and that the Head Teacher and all other staff work very hard to build positive relationships with all parents / carers. However, the Academy is obliged to have procedures in place in case there are complaints by parents / carers. The following policy sets out the procedure that the Academy follows in such cases.
- 1.2 If any parent / carer is unhappy with the education that their child is receiving, or has any concern relating to the Academy, we encourage that person / carer to talk to the child's class teacher immediately.
- 1.3 At all stages an informal or formal complaint and the associated meetings will be recorded.
- 1.4 An informal complaint is a complaint prior to referral to the Governing Body, where it then becomes formal.

## **2 Aims and Objectives**

- 2.1 Our Academy aims to be fair, open and honest when dealing with any complaint. We give careful consideration to all complaints and deal with them as swiftly as possible. We aim to resolve any complaint through dialogue and mutual understanding and, in all cases, we put the interests of the child above all other issues. We provide sufficient opportunity for any complaint to be fully discussed, and then resolved.

## **3 The Complaints Process**

- 3.1 If a parent / carer is concerned about anything to do with the education that we are providing at the Academy should, in the first instance, discuss the matter with their child's class teacher. Most matters of concern can be dealt with in this way. All teachers work very hard to ensure that each child is happy at the Academy, and is making good progress; they always want to know if there is a problem so that they can take action before the problem seriously affects the child's progress.

- 3.2 Where a parent / carer feels that a situation has not been resolved through contact with the class teacher, or that their concern is of a sufficiently serious nature, they should make an appointment to discuss it with the assistant Head Teacher for the relevant phase. If this process does not resolve the problem or is of a serious nature the matter is referred to the Head Teacher. This complaint will be taken seriously and is usually resolved at this stage.

Should a parent have a complaint about the Head Teacher they should make an appointment with the Head Teacher in an attempt to resolve the matter.

- 3.3 If unresolved, a parent / carer should make an informal approach to the Chair of Governors, who is obliged to investigate it. The Chair of Governors will do all s/he can do to resolve the issue through dialogue with the Academy, but if a parent / carer is unhappy with the outcome, s/he can make an informal complaint as outlined below.
- 3.4 Only if an informal complaint fails to resolve the matter should a formal complaint be made to the Governing Body. This complaint must be made in writing, stating the nature of the complaint and how the Academy has handled it so far. The parent / carer should send this written complaint to the Chair of Governors, with reference to how, in the view of the complainant, how the problem could be resolved.
- 3.5 If any parent / carer is still not content that the complaint has been dealt with properly then s/he is entitled to appeal through the procedure for dealing with complaints about Academies as published by the education Funding Agency, which is available on the Department for Education website.

#### **4 Formal Complaints Procedure**

If someone wants to make a formal complaint, they must follow the following procedure:

- a) The complainant will write to the Academy with details of:
- The complaint
  - Any attempts they made to raise / resolve the complaint (who they spoke to and when)
  - Actions they feel might resolve the problem
  - Any staff they would prefer not to discuss the issue with

A staff member (not the subject of the complaint) will respond within five working days of a complaint being lodged.

- b) If the complainant is not satisfied with the response, they must inform the Academy in writing, with details of their previous communication and the reason why they are still not satisfied. The Head Teacher or member of the Senior Leadership team will respond within five working days.
- c) If the complainant is still not satisfied, they can appeal to the Governing Body (see below). The governors will convene a complaints panel within 21 days, known as the First Committee.

#### **5 First Committee**

##### **a) Constitution of the Committee**

The Chair of Governors will:

- Appoint a panel which consists of at least three people
- No member can have been directly involved in previous consideration of the complaint
- The panel nominates a chair
- Individual complaints must not be heard by the whole Governing Body at any stage
- Such meetings are recorded by the Clerk to Governors

##### **b) Remit of the panel**

The panel can

- Dismiss the complaint
- 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 recur

### c) Proceedings of the panel

- The appeal will be closed to the public
- The complainant may attend and be accompanied by one other person
- Witnesses will only be required to attend for the part of the hearing in which they give their evidence
- The panel may ask questions at any point
- The panel will deliberate in private
- The panel will inform the complainants of the decision as quickly as possible and in no more than three working days
- The decision of the appeal panel is final

### d) Role of the Clerk to Governors

The governance manager will be the contact point for the complaint and will be required to:

- Set the date, time and venue of the hearing
- Collate any written material and send it to the parties in advance of the hearing
- Record the proceedings
- Notify parties of the panel's decision

## 6 Responsible Person

The person in charge of co-ordinating the complaints at the Academy is the Head Teacher.

## 7 Monitoring and Review

- 6.1 The governors monitor the complaints procedure in order to ensure that all complaints are handled properly. The Head Teacher informs the Governing Body of all complaints received, within the parameters of confidentiality.
- 6.2 Governors take into account any local or national decisions that affect the complaints process, and make any modifications necessary to this policy. This policy is made available to all parent / carers, so that they can be properly informed about the complaints process.

## APPENDICES

- Appendix 1: Education Funding Agency Procedure for dealing with complaints about academies (Version August 2012)
- Appendix 2: Flow Chart – Guidance on making a complaint against a school
- Appendix 3: School Complaints form



# Education Funding Agency

## Procedure for dealing with complaints about academies (Version August 2012)

### 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.

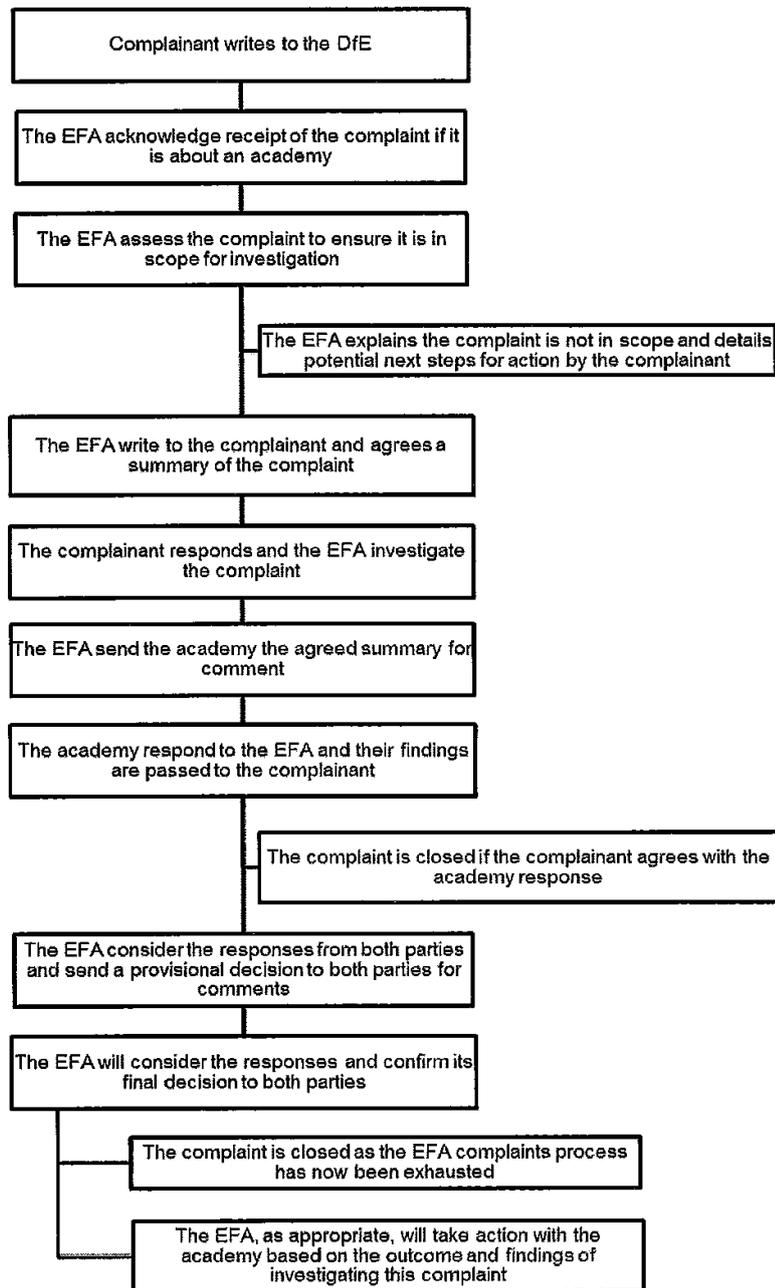
### **Actions**

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:

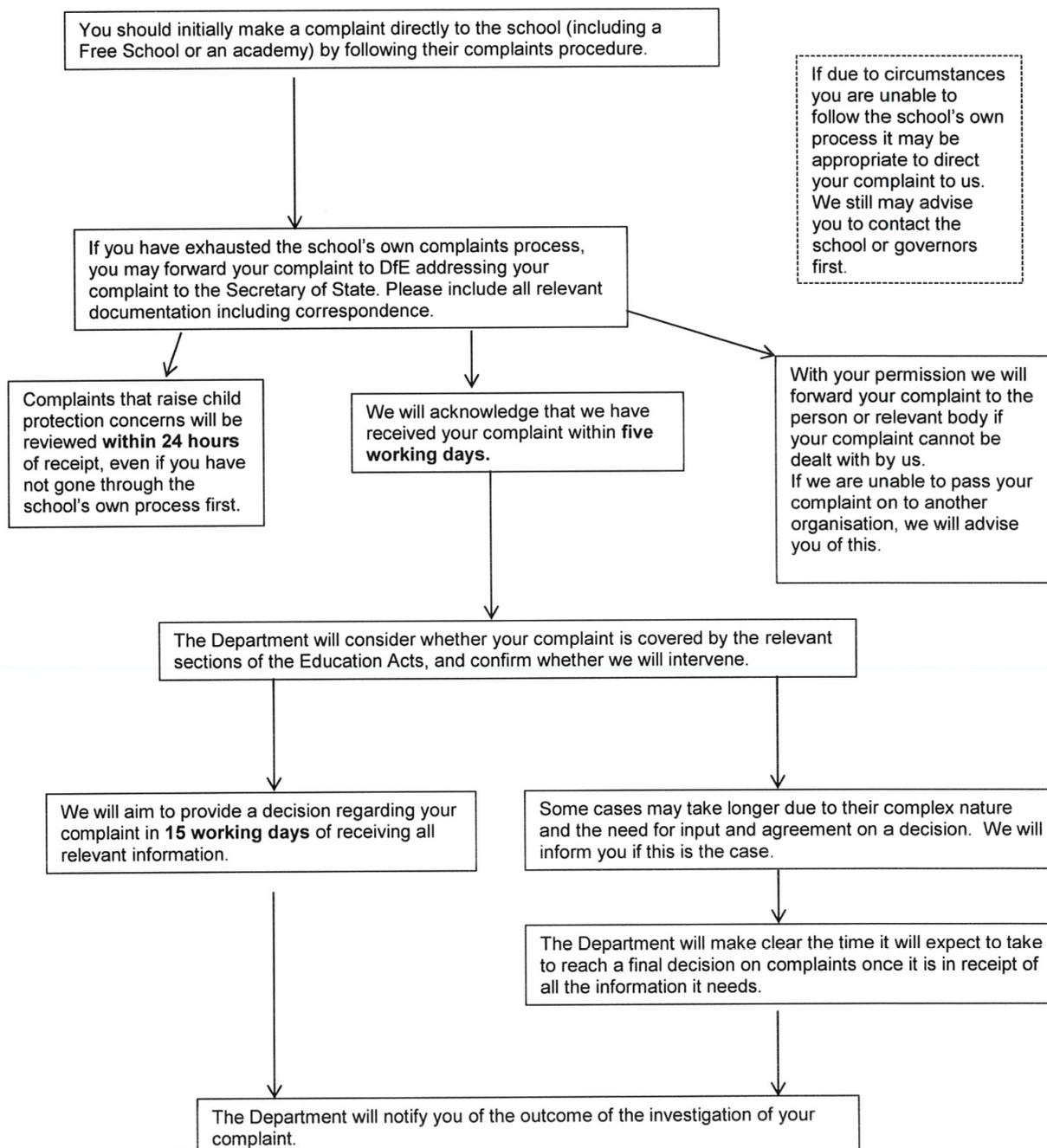
- asking the academy to review its procedures to ensure there is no recurrence (e.g. breach of the funding agreement); or
- asking the academy to review its decision on the complaint submitted to it, or change its procedures for reaching the decision if they are non-compliant with statutory requirements.

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.

## Summary of procedure



## Flow chart – guidance on making a complaint against a school



## School complaints form

Before completing this form, please read the guidance relating to school complaints. If your enquiry is not related to a school complaint please visit the contact us section of the site. If you submit an enquiry using the form below, which is not a schools complaints matter we will aim to respond to it within 15 working days.

\* denotes mandatory field

What is your complaint about?

- Health and safety
- Curriculum
- Admissions
- Attendance
- Exclusion
- Behaviour
- Special educational needs/disability
- Communication with parents
- School staff
- School meals
- School uniform
- Other (please specify below)

\*

Other

Title

Other title

Name

\*

Email

\*

Telephone

Relationship to pupil/school

- Governor
- Grandparent
- Health professional
- MP
- Nursery nurse
- Parent/carer
- Religious organisation
- School staff
- Social worker
- Teacher
- Other (please specify below)

\*

Other relationship

Are you representing a parent/guardian/carer or pupil of the school

- Yes
- No

\*

School name

\*

School address

\*

School postcode

Is the school an academy?

- Yes
- No
- Don't know

\*

Is the school a primary school or secondary school?

\*

Please can you give us a brief description of your complaint?

Have you complained to the school using their complaints procedure? (Every school in England is required to have a complaints procedure.)

- Yes
- No

\*

We cannot usually investigate a complaint if you have not gone through the school's own process first. Please tell us why you have not followed the schools own process

Tell us what the school did to address your complaint

Name and contact number of the person at school who originally considered your complaint

Name and contact number of the school governor who heard appeal against complaint

Please provide a summary of the complaint and the steps you have taken to try and resolve it.

Are you willing for us to forward your complaint if it needs to be handled by another organisation?

- Yes  No

\*

Please tick here if you do not want us to send your complaint (including your name and contact details) to third parties. Please be aware that this may mean we cannot investigate your complaint.

Do you need to attach a document to your enquiry?

- Yes  
 No

If 'Yes', you will be directed to the document upload page once you have submitted this form.

Please enter the following characters as they appear, or listen to the audio equivalent. This will allow us to ensure that this form has not been submitted by a programme.

Refresh the captcha image

Listen to audio captcha

