



## Complaints Policy & Procedure

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## Introduction

The Archer Academy aims to meet its statutory obligations when responding to complaints from parents of students at the school, and others.

This policy meets the requirements set out in part 7 of the schedule to [the Education \(Independent School Standards\) Regulations 2014](#), which states that we must have and make available a written procedure to deal with complaints from parents of students at the school.

It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on [creating a complaints procedure that complies with the above regulations](#), and refers to [good practice guidance on setting up complaints procedures](#) from the Department for Education (DfE).

At the Archer Academy we undertake to provide a friendly and safe environment in which students will be supported to realise their potential, both academically and socially. We recognise, however, that sometimes things can go wrong and parents, carers and members of the public may need to make a complaint or raise concerns they have with the school. This policy tells you what to do if this happens.

The majority of issues raised by parents, the community or students, are concerns rather than complaints. We are committed to taking concerns seriously, at the earliest stage, in the hope of keeping the number of formal complaints to a minimum and without needing formal procedures. However, depending on the nature of the complaint, you may wish or be asked to follow the school's formal complaints procedure. The school expects that complaints will be made as soon as possible after an incident arises and no later than 3 months afterwards. We will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

The prime aim of the Archer Academy's policy is to resolve the complaint as fairly and speedily as possible as required by legislation. Formal complaints will be dealt with in a sensitive, impartial, open, responsive and confidential manner in line with the principles of administrative law. The school recognises that a willingness to listen to questions and criticism and to respond positively, can lead to improvements in school practices and provision for students.

If a complainant is considered to be behaving in an unreasonable way and/or the complaint is deemed to be persistent, malicious or vexatious the complainant will be referred to the school's Persistent or Vexatious Complaints/Harassment policy.

Where the school receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the school, the school may respond to these complaints by:

- Publishing a single response on the school website.
- Sending a template response to all of the complainants.

If complainants are not satisfied with the school's response, or wish to pursue the complaint further, the normal procedures will apply.

Where complaints are made about events that took place more than 3 months earlier, or where a student concerned has left the school, the school reserves the right to not consider those complaints through this policy, for example where proper investigation would not be possible given the passage of time. However, the Governing Board will consider exceptions to this timeframe where there are exceptional circumstances. Decisions will be made on a case by case basis by the Headteacher and Chair of Governors.

Any complaints concerning the conduct of school staff will be handled in accordance with the school's internal disciplinary procedures and such an investigation will remain confidential. The following details outline the stages that can be used to resolve complaints.

### **Complaints raised by those who are not parents of attending children**

There are separate procedures to deal with staff complaints. These include the Grievance Procedure for a complaint by an employee of unfair treatment including a complaint of bullying or intimidation, the Disciplinary Procedure for an employee complaining about the conduct of another member of staff and the Whistleblowing Procedure for an unresolved allegation of institutional malpractice.

If a concern or complaint is made by a person who is not the parent of a child attending the Archer Academy the same policy and procedure will be used. If a concern or complaint is made via the MP, or a third party, the same policy and procedure may be used. The Headteacher would always respond in writing to the MP and may share this information with the Chair of Governors.

The school will not investigate anonymous complaints under the procedure in this Complaints policy. Anonymous complaints will be referred to the Headteacher who will decide what, if any, action should be taken.

### **Timescales**

It is our intention to deal with any concerns or complaints in a timely fashion. Clear timelines are outlined within the policy below. For the purposes of this Complaints policy, a "school day" is defined as a weekday during term time, when the school is open to children. The definition of "school day" excludes weekends, school holidays and bank holidays. For the avoidance of doubt, term dates are published on the school's website, and information about term dates is made available to parents and students through the weekly newsletter.

Although every effort will be made by the school to comply with the time limits specified under each stage of the procedure, it may not always be possible to do so, for example due to the complexity or number of matters raised, or due to the unavailability of the complainant to attend a meeting, if offered. In all cases, where a time limit cannot be complied with, the school will write to the complainant within the specified time limit, setting out the reasons why the time limit cannot be complied with, and confirming the new time limit which will apply.

### **Resolutions Principles**

It is in everyone's interest that concerns, difficulties and complaints are resolved to the satisfaction of all parties at the earliest possible stage. The way in which the concern,

difficulty or complaint is dealt with after the matter is first raised by the complainant can be crucial in determining whether the complaint will escalate. To that end, members of staff will be periodically made aware of the procedure in this Complaints policy, so that they will know what to do when a concern or difficulty is raised with them.

At each stage of the complaints procedure, the investigator will consider how the complaint may be resolved. In considering how a complaint may be resolved, the investigator will give due regard to the seriousness of the complaint.

It may be appropriate in order to bring the complaint to a resolution for the investigator to offer:

- an explanation.
- an apology.
- reassurance that steps have been taken to prevent a recurrence of events which led to the complaint.
- reassurance that the school will undertake a review of its policies and procedures in light of the complaint.

None of the above will constitute an admission of negligence or an acceptance of liability on behalf of the school.

### **The Archer Academy policy has four main stages.**

#### **Informal Stage – Raising a concern**

Concerns can be raised with the school at any time and will often generate an immediate response, which will resolve the concern. The school requests that parents make their first contact with the student's form tutor or subject teacher. Alternatively the concern should be raised with the Head of Year or relevant Head of Department.

If the concern is raised directly to the Headteacher they will normally direct the complainant to the most appropriate member of staff to deal with it informally. If the complainant indicates that they would have difficulty discussing the complaint with this member of staff, the Headteacher may direct them to another member of staff. Similarly, if the most appropriate member of staff feels they would have difficulty in dealing with the complaint objectively, the Headteacher may direct the complainant to another member of staff. In certain circumstances, the Headteacher may instead choose to deal with the concern informally in person. If the concern has been made in writing, the Headteacher may choose to treat it as a formal complaint and invoke the formal procedure.

If the complaint has been made to the Chair of Governors in the first instance, he or she will refer the complaint to the Headteacher. However, if the complaint concerns the Headteacher and has already been taken up with the Headteacher without being resolved, the complaint must be made in writing to the Chair using the Complaint Form (see Appendix A). The Chair will then invoke the formal procedure.

It is important for parents/carers to recognise that the school is a busy organisation and that whilst we will do our best, it may not be possible to offer an appointment immediately. On some occasions the concern raised may require investigation, or discussion with others, in which case you will receive an informal but informed response within two working days. The vast majority of concerns will be satisfactorily dealt with in this way. However, if you are not satisfied with the result at the Informal Stage, please write to or call the school within ten

working days and state what you would like the school to do. The school will then look at your complaint at the next stage.

Possible outcomes include:

- complaint resolved to the satisfaction of the complainant.
- complaint not resolved to the satisfaction of the complainant.
- complaint dealt with under another procedure.

### **Stage 1 – Complaint heard by an appropriate senior staff member**

Formal complaints should be put in writing and addressed to the Headteacher. You may request a complaints form for this purpose (please see Appendix A or contact the Headteacher's PA). The complaint will be logged, including the date it was received. The school will normally acknowledge receipt of the complaint within two working days of receiving it. In many cases this response will also report on the action the school has taken to resolve the issue, however, if the issue requires complex investigation (e.g. interviewing a number of people) it may take up to five working days. Alternatively, a meeting may be convened to discuss the matter further. This meeting will normally take place within ten working days. The aim will be to resolve the matter as quickly as possible. However, if you are not satisfied with the result at Stage 1 please write to or call the school within ten working days of receiving our response. You will need to tell the school why you are still not satisfied and what you would like the school to do. You can request a complaint form for this.

Possible outcomes include:

- complaint withdrawn.
- complaint dismissed.
- complaint dealt with under another procedure.
- complaint upheld.

If the complainant is not satisfied with the outcome, and the Stage 1 meeting was not held by the Headteacher, they may write to the Headteacher and an Appeal hearing will be convened with the Headteacher. Otherwise the procedure will move to Stage 2.

### **Stage 2 – Complaint heard by the Vice Chair of Governors/Appointed Governor**

If the matter has not been resolved at Stage 1, the Vice Chair of Governors/Appointed Governor will arrange for a further investigation. Following the investigation, the Vice Chair of Governors/Appointed Governor will normally give a written response within ten school working days. If you are dissatisfied with the result at Stage 2, you will need to let the school know within ten working days of receiving the response.

Possible outcomes include:

- complaint withdrawn.
- complaint dismissed.
- complaint dealt with under another procedure.
- complaint partially upheld.
- complaint upheld.

### **Stage 3 – Complaint heard by the Governing Board’s Complaints Appeal Panel**

If the matter has still not been resolved at Stage 2, or if the complaint concerns the Headteacher, then you will need to write to the Clerk to the Governors giving details of the complaint. You may request a complaints form for this purpose (please see Appendix B or contact the Headteacher’s PA). The panel will be composed of at least 2 people who have not previously been involved in the complaint review process, and are not directly involved in matters detailed in the complaint, one of whom will be independent of the management and running of the school. A complaints appeal panel will be convened by the Clerk. The hearing will normally take place within ten working days of the receipt of the written request for Stage 3 investigation. Complainants will be invited to attend the hearing and we will ensure that they receive at least 3 working days notice of the date of the hearing. The aim of the Appeal Panel hearing is to impartially resolve the complaint and to achieve reconciliation between the school and the complainant. All parties will be notified of the Panel’s decision in writing within seven working days after the date of the hearing. The letter will also contain what you need to do if you wish to take the matter further although it should be noted that the decision of the Governor’s Complaints Panel is final. Where the complainant remains unsatisfied, they may direct their complaint to the ESFA.

#### **Appeal Hearing**

The appeal will be heard by a Governors’ Complaints Appeal Panel comprising at least two governors who have not previously been involved in the complaint review process, and are not directly involved in matters detailed in the complaint, one of whom will act as Chair of the hearing. The Panel will also include one member who must be independent of the management and running of the school.

The Governors’ Complaint Appeal Panel will decide whether or not the outcome of the formal procedure was correct. Accordingly, the respondent will be the person who made that decision; that is, either the Headteacher or the Chair of Governors.

The Governors’ Complaint Appeal Panel Chair will decide the procedure to be followed, ensuring that:

- the remit of the Panel is explained to the parties and each party has the opportunity of putting their case without undue interruption.
- members of the Panel are objective and open minded, and act independently.
- the complainant and any others who may not be used to speaking at such a hearing are put at ease.
- the hearing is conducted in an informal though clearly structured manner with each party treating the other with respect and courtesy.
- each side is given the opportunity to state their case and to ask questions.
- any written material is seen by all parties. If a new issue arises all parties should be given the opportunity to consider and comment on it.
- any witnesses are only required to attend for the part of the hearing in which they give their evidence.
- the issues are addressed.
- key findings of fact are made.

The hearing should generally proceed as follows:

- introductions and introductory comments from the Panel Chair.
- the complainant explains the complaint, followed by questions.
- any witnesses to support the complaint give evidence and are questioned.



- the committee explains the outcome of the formal procedure, and briefly describes the preceding informal procedure if applicable, followed by questions.
- any witnesses to support the respondent give evidence and are questioned.
- the complainant sums up.
- the respondent sums up.
- with the exception of the Panel members and any independent adviser they may have, all persons withdraw while the Panel reviews the evidence and decides the outcome.
- the complainant and the respondent are informed of the decision.

The Appeals Panel may:

- dismiss the complaint in whole or in part.
- uphold the complaint in whole or in part.
- decide on any further action to be taken.
- If appropriate, recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

The complainant and the Headteacher will be informed in writing within seven days of the outcome of the hearing, the reasons for it and any recommendations for changes to systems or procedures, and that the decision is final.

The panel will then put together its findings and recommendations from the case. The panel will also provide copies of the minutes of the hearing and the findings and recommendations to the complainant and, where relevant, the individual who is the subject of the complaint, and make a copy available for inspection by the proprietor and headteacher.

Where the complainant remains unsatisfied, they may direct their complaint to the ESFA.

## **Record Keeping**

Accurate and contemporaneous records should be kept throughout the process, including whether the complaint was resolved at the informal, formal or appeal stage. Formal minutes will be taken at any formal meeting or hearing.

Records should be held in a secure and confidential manner.

Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending will be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

This material will be treated as confidential and held centrally, and will be viewed only by those involved in investigating the complaint or on the review panel.

This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or through a subject access request under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

The Headteacher or Chair of Governors will acknowledge receipt of a written complaint within two working days.

The complaint will be recorded, together with the outcome and reasons for the outcome. The complainant will be informed of the outcome in writing, together with their entitlement to appeal the outcome.



Where the complaint is upheld, any action to be taken by the Academy in response will also be recorded.

## **Representation**

At any meeting or hearing to which the complainant is invited, the complainant may be accompanied by a friend, colleague or other representative. In this case, the complainant should make their own arrangements for such representation. The representative may ask questions, confer with the complainant and make summary statements but may not answer questions on behalf of the complainant. Representatives from the media are not permitted to attend. The school does not encourage either party to bring legal representation, but will consider it on a case-by-case basis. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by their union.

## **Behaviour of complainants**

The behaviour of a complainant is expected to be in accordance with the school's values and the spirit of the student's code of conduct. Any evidence of a complaint which may be deemed to be malicious or in retaliation of another event will be managed as appropriate.

## **Dealing with persistent or serial complaints**

In accordance with DfE guidance, a school is not required to respond if a complainant raises again an issue that has already been taken through the complaints procedure.

## **Note**

Allegations of abuse against a member of the school staff must be reported to the Headteacher immediately. Allegations of abuse against the Headteacher must be reported to the Chair of Governors immediately.

In cases where the matter concerns the conduct of the Headteacher, the Headteacher and Chair of Governors will be informed of the complaint. The Chair of Governors will arrange for the matter to be investigated. In cases where the matter concerns the conduct of a member of the Governing Board the member will be informed of the complaint.

## **Review**

This document will be reviewed every year but may be reviewed and updated more frequently if necessary.

It will be approved by the Resources Committee and noted by the Full Governing Body.

The policy will be promoted and implemented throughout the Archer Academy.

## **Link with other policies**

- Persistent or Vexatious Complaints/Harassment policy
- Grievance
- Disciplinary
- Whistleblowing
- Safeguarding
- SEND policy and SEND information report
- Suspension and Permanent Exclusion

- Privacy notices.

### **Reference documents**

Education (Independent School Standards) England Regulations 2014

Creating an Academies Complaints Procedure, January 2015

**Appendix A - Complaint Form**  
**Complainant**

<i>Name:</i>		
<i>Address:</i>		<i>Tel:</i>

**Details of Complaint**

*Please include full details, including dates, times and names of those involved.*

*Please continue on a separate sheet if necessary. Once completed, send this form to the Headteacher who will arrange for your complaint to be investigated.*

**Signed** \_\_\_\_\_ **Date** \_\_\_\_\_

*For office use*

**Date Received by Headteacher** \_\_\_\_\_

**Date of Response to Complainant** \_\_\_\_\_

**Appendix B - Complaint Appeal Form  
Complainant**

Name: \_\_\_\_\_

Address: \_\_\_\_\_ Tel: \_\_\_\_\_

Date complaint was submitted in writing: \_\_\_\_\_

Date response received from Headteacher in writing: \_\_\_\_\_

***I am dissatisfied with the response to the above complaint and would like an Appeal Hearing for the following reasons:***

  
  
  
  
  
  
  
  
  
  
  

Signed \_\_\_\_\_ Date \_\_\_\_\_

*Please continue on a separate sheet if necessary. Once completed, send this form to the Chair of Governors who will arrange for your appeal to be heard.*

*For office use*

Date Received by Vice/Chair of Governors \_\_\_\_\_

Date of Response to Complainant \_\_\_\_\_