



Complaints Policy & Procedure for Parents & Carers

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1. Introduction

1.1 How is a concern/complaint made and resolved?

The Archer Academy takes all concerns or complaints seriously. Taking informal concerns seriously at the earliest stage reduces the numbers of formal complaints and reflects our commitment to working effectively with parents and carers. You may wish or indeed be asked, however, to follow the school's formal complaints procedure. This complaints procedure outlines how we deal with both parent/carers concerns and complaints.

A concern may be defined as *'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'*.

A complaint may be defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaint's procedure. The Archer Academy takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Headteacher will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Headteacher will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, The Archer Academy will attempt to resolve the issue internally, through the stages outlined within this complaint's 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, openly and speedily as possible in a sensitive, impartial, responsive and confidential manner.

If a complainant is considered to be behaving in an unreasonable way and/or the complaint is deemed to be unduly 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, the school may, where appropriate, respond to these complaints by:

- Publishing a single response on the school website.
- Sending the same 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 as set out below.

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. The Archer Academy will consider exceptions to this on a case by case basis.

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. Some types of complaints are covered by other procedures such as admissions, exclusions, staff grievances, safeguarding and disciplinary procedures.

1.2 Timescales

The Archer Academy policy has four main stages. Clear timelines are outlined within the policy and stages below.

1.3 Resolutions Principles

At each stage of the complaint's procedure, the investigator (can you say that investigator is not external but member of staff for clarity) will consider how the complaint may be resolved giving 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.

2. The Informal Stage – Raising a concern

Explain difference between a concern and a complaint

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/carers **make their first contact with the student's form tutor or subject teacher.**

If the concern is raised directly to the Headteacher, they will direct the parent/carer raising the concern to the most appropriate member of staff to deal with it informally. If the parent/carer 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 concern objectively, the Headteacher may direct the parent/carer to another member of staff. In certain circumstances, the Headteacher may instead ask a senior staff member 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 a concern or complaint has been made to the Chair of Governors in the first instance, he or she will refer the concern/complaint to the Headteacher.

If the concern, however, relates to the Headteacher and has already been taken up with the Headteacher without being resolved, it should be made in writing to the Clerk using the Complaint Form (see Appendix B below). The Clerk will then liaise with the Chair of Governors who will invoke the formal procedure. This will be acknowledged within 48 working hours.

It is important for parents/carers to recognise that the school is a busy organisation and therefore 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 4 school days.**

The vast majority of concerns will be satisfactorily dealt with in this way – if you are not satisfied, however, with the result at the Informal Stage, **please write to the Headteacher within 10 working days** and state the nature of your concern and how you feel the response you have received is not appropriate. At this stage, the Formal Complaints process would be instigated.

Possible outcomes as a result of raising a concern include:

- concern resolved to the satisfaction of the parent/carer.
- concern not resolved to the satisfaction of the parent/carer.
- concern dealt with under another procedure.

3. The Formal Complaints Process

3.1 Stage 1 – Complaint heard by an appropriate senior staff member

Formal complaints should be put in writing and addressed to the Headteacher. The Headteacher will appoint a member of the school's Senior Leadership Team to investigate the complaint. You may request the complaints form for this purpose (please see Appendix A or contact the Headteacher's PA). If the complaint is about the Headteacher it should be made in writing to the Clerk using the Complaint Form (see Appendix B below). The formal procedure will then be invoked. If the complaint is about the Chair of Governors or the entire Governing Board, it should be made in writing to the Clerk of Governors, using the Complaint Form (Appendix B below).

The school will normally acknowledge receipt of the complaint within 2 school days of receiving it. In many cases this response will also report on the action the school has taken to resolve the issue.

If, however, the issue requires complex investigation it may take up to 10 school days. A meeting may be convened to hear the complaint in full. This meeting will normally take place within 10 school days of the complaint being raised. The aim will be to resolve the matter as quickly as possible. Where possible parents are encouraged to meet with a senior staff member to go through the outcome of the complaint investigation.

If you are not satisfied with the result at Stage 1 please write to the Headteacher, within 10 working days of receiving our response. You will need to tell the Headteacher why you are still not satisfied and in what regard the response you have received is not to your satisfaction.

As part of the complaints process, the school tries to understand the specifics of what the parent/carer would like and to explain the circumstances surrounding the issue complained about to make sure parents/carers have as full a picture as possible. Possible outcomes of complaints at Stage 1 include:

- complaint upheld.
- complaint partially upheld
- complaint not upheld.
- complaint dealt with under another procedure.

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 who will review the complaint and response and meet with the complainant.

Otherwise the procedure will move to Stage 2.

3.2 Stage 2 – Complaint heard by an Appointed Governor

If the matter has not been resolved at Stage 1-, the Chair of Governors will be informed and they will appoint a Governor who has no prior connection with the complaint to arrange for a further investigation. The Governing Board may choose to appoint an external consultant to conduct the investigation but the decision will remain with the assigned governor. Following the investigation, the Appointed Governor will normally give a written response **within 15 school days**. If you are dissatisfied with the result at Stage 2, you will need to let the school know, by contacting the Clerk to the Governing Board, within 10 working days of receiving the response.

3.3 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 complaint form for this purpose (please see Appendix B or contact the Headteacher’s PA).

An appeal should be based on specific grounds, rather than solely on a disagreement with the decision. Grounds for an appeal may include:

- The procedure – the grounds of appeal should detail how procedural irregularities prejudiced the decision.
- The facts – the grounds of appeal should detail how the facts do not support the decision or were misinterpreted or disregarded. They should also detail any new evidence to be considered.
- The proposed action – the grounds of the appeal should detail how the proposed action is inappropriate given the circumstances of the case.

A complaints appeal panel will be convened by the Clerk. **The hearing will normally take place within 15 school 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. Whilst reasonable efforts will be made to accommodate the scheduling requirements of the parent/carer, it should be noted that as this panel will involve a large number of people - a professional clerk, three governors, the headteacher and potentially other members of the school - it may not always be possible to offer complete flexibility with regard to scheduling.

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 7 school 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 and no further recourse is available within the school under this policy. Where the complainant remains unsatisfied, they may direct their complaint to the Education and Skills Funding Agency (ESFA).

What happens at the 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. The Panel will also include one member who must be independent of the management and running of the school. A member of the panel will act as Chair of the hearing.

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 a respectful, 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. The panel will not normally accept as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.
- 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 meeting will be held in private. Electronic recordings of meetings or conversations are not permitted. An independent minute taker will be appointed by the school to ensure a full and accurate overview of the meeting. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

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. In writing

The Appeals Panel may:

- uphold the complaint in whole or in part.
- not 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 5 school 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. ((Education and Skills Funding Agency))

4. Record Keeping

Correspondence, statements and records relating to individual complaints 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 the case 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 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.

5. 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. In general, we do not encourage either party to bring legal representation to the Panel meeting on the basis that this meeting is not a legal proceeding, but an attempt to resolve an issue between the complainant and the school. There may be occasions when it is appropriate. This decision will be at the discretion of the Panel Chair. Representatives from the media are not permitted to attend.

6. 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.

7. 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 complaint's procedure.

8. Abuse allegations against a member of school staff

Abuse allegations 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 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.

9. Policy Review

The Governing Board will review this policy annually and assess its implementation and effectiveness.

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

10. Reference documents

<https://www.gov.uk/government/publications/school-complaints-procedures/best-practice-advice-for-school-complaints-procedures-2019#stages>

<https://www.legislation.gov.uk/uksi/2014/3283>

<https://www.gov.uk/government/publications/setting-up-an-academies-complaints-procedure>

Appendix A Formal Complaint Form: Stage 1

Once completed, please send this form to the Headteacher who will arrange for your complaint to be investigated

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

Details of Complaint

Please include full details, including dates, times and names of those involved, including whether you have spoken to anybody at the Academy about it.

What do you feel might resolve the complaint at this stage?

Please continue on a separate sheet if necessary.

Signed _____ **Date** _____

For office use

Date Received by Headteacher _____ **Date of Response to Complainant** _____

Appendix B Formal Complaint Form: Stage 3

Once completed, please send this form to the Chair of Governors or the Clerk to the Governors via the school office or on email who will make the necessary arrangements.

Your Name:

Email:

Address:

Tel:

Student Name:

Date original complaint was submitted in writing:

Grounds on which you wish to appeal:

The procedure – the grounds of appeal should detail how procedural irregularities prejudiced the decision.	
The facts – the grounds of appeal should detail how the facts do not support the decision or were misinterpreted or disregarded. They should also detail any new evidence to be considered.	
The proposed action – the grounds of the appeal should detail how the proposed action is inappropriate given the circumstances of the case.	

Please provide details as to why you are dissatisfied with the response to the above complaint and would like an Appeal Hearing.

What do you feel might resolve the complaint at this stage?

Please continue on a separate sheet if necessary.

Signed _____ Date _____

For office use

Date received by Chair of Governors/Clerk _____ Date of response _____