



# SUMMERBANK PRIMARY ACADEMY

## Complaints Policy

Date of Policy	November 2017
Adopted by Governors	8 <sup>th</sup> November 2017
Review Date	Autumn 2020



# The Societas Trust

## Complaints Policy 2017

### Purpose

All academies are required by law to have a complaints policy. This policy should help resolve problems and provide a means for issues of concern to be raised and subsequently addressed. All complainants will be treated respectfully during and after the course of any complaints investigation and will receive a written response to their complaint, unless appropriate and reasonable measures have been put in place as a result of the 'Persistent and/or Vexatious Complainants' policy set out below.

### Expressing Concerns (Stage 1)

There are inevitably issues that arise that, if dealt with promptly and in a considerate manner, will avoid the need for a formal complaint. Any problem or concern should be raised promptly with the class teacher or member of staff responsible for the area you are concerned about. If your concern is more serious you may prefer to make an appointment to discuss it with the Headteacher/principal or a member of the academy's leadership team. All staff will make every effort to resolve your problem promptly at this informal stage.

### Formal Complaints

Formal procedures will be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further. All details of a complaint will be kept confidential except in so far as they need to be shared with people who might contribute to their resolution.

In most cases it will be your choice as to whether to mount a formal complaint, but the academy reserves the right to utilise the formal complaint procedures where the academy feels that 'informal' methods of resolving concerns have been exhausted but a complainant clearly remains dissatisfied.

It should be noted that some outcomes of a complaint may lead to action being initiated under other formal procedures, such as safeguarding or disciplinary matters. Where this is the case you will be advised and informed of the procedures that are to be followed. It should be noted, however, that the academy will not necessarily be able to provide you with the details of the outcome of those procedures for data protection reasons or otherwise, depending on the circumstances.

If a formal complaint is made to the academy you will be provided with a copy of this complaints policy. It is not a requirement that a formal complaint is made in writing, but the academy will need to be clear what the complaint is about, and may therefore request clarification from you before investigating the complaint.

Please be aware that the academy reserves the right not to review a complaint made by a complainant that has not been brought to the attention of the academy within 8 weeks of the

alleged incident occurring. However, the academy will consider any complaint outside of that timescale in certain circumstances.

## **Stage 2 (Head Teacher or Chair of Governors)**

It may be that the headteacher /principal has not been aware of the concern raised prior to this point. At this stage the headteacher/ principal will seek to investigate your concerns, as well as attempting to resolve the matter to the satisfaction of all concerned. This may involve having a discussion/meeting with you.

If the complaint is about the headteacher/ principal it will be considered by the Chair of Governors (“the Chair”) at this stage. The Chair will seek to resolve the matter through discussion with the head teacher and you. In doing so and, if considered appropriate, the Chair may wish to meet with you in person.

The academy will endeavour to respond, in writing to a Stage 2 complaint within ten working days after receiving the complaint.

Where concerns cannot be resolved by the headteacher /principal (or the Chair if applicable) then you will be advised that details of your continuing concerns will be accepted either in writing or verbally and then referred to the Governing Body’s Complaints Committee (**Stage 3**). The attached form **Appendix 1** may be used for this purpose if you wish, and it would also be useful if you were able to state what actions you feel might resolve the problem.

## **Stage 3 (Governing Body Complaints Committee)**

If a complaint has been referred to a governing body complaints committee (“the Panel ”) then the Panel will arrange to meet to consider the complaint. The Panel will endeavour to provide you with a written response within ten working days after the meeting.

Membership of the Panel will do their best to ensure that there is a cross-section of the different categories of governor to ensure impartiality. The headteacher/ principal and chair of governors will not be members of this panel, which will elect its own chair, although one or both may be invited to attend the meeting held to consider the complaint.

You will be given the opportunity to attend the complaints meeting to make representations in person, and you will have the right to bring a friend/family member or other supporter. The Panel will therefore meet at a time and a venue convenient to all parties. If you decide not to attend the complaints meeting, it will be held in your absence.

The Panel may request the services of a Clerk.

## Governing Body Complaints Committee (the Panel) – Procedure

The Panel will want to ensure that the nature of the complaint is understood and, where possible, will seek to establish from you what actions you feel might resolve the problem. In helping to reach a conclusion, the Panel will seek to identify possible sources of information and advice to help collate the necessary evidence.

As indicated above, you will be given the opportunity to attend the complaints meeting and will have the right to bring a friend/family member or other supporter. The head teacher and/or chair of governors may also be asked to attend the meeting, but will not take any part in the decision-making process. The complaints meeting will adopt the following structure:

- The meeting will be as informal as possible.
  - Witnesses may be required to attend but only for the part of the meeting in which they give their evidence.
  - After introductions, you will be invited to explain your complaint, and you will be followed by your witnesses (if any).
  - The members of the Panel may then ask questions of both you and your witnesses after each has spoken or at any point.
  - You will then be invited to sum up your complaint.
  - The Panel chair will explain that you will hear from the Panel in writing within a set time scale.
  - You and your witnesses (if any) will then be asked to leave the meeting.
  - The head teacher / principal / chair of governors may then be invited to join the meeting to explain the academy's actions and may be followed by the academy's witnesses.
  - The Panel members may then ask questions of both the headteacher/ principal / chair of governors and the witnesses after each has spoken.
  - The Panel may ask questions at any point.
  - The headteacher/ principal / chair of governors will then be invited to sum up the academy's actions and response to the complaint.
- The headteacher/ principal / chair of governors will then be asked to leave the meeting while the Panel remains to decide on the issues and reach a conclusion.
- Both parties will be informed of the outcome within a set timescale.

## Outcomes of Investigations

Whether the complaint has been investigated by the headteacher / principal, chair of governors or a complaints committee, a written response will be sent to you outlining the outcome of the investigation, detailing how the conclusion has been reached, and enclose a copy of the minutes. The letter will also tell you where to next take the complaint, if you are not satisfied with the response provided.

The Complaints Committee may reach the following conclusions:

- 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 recur

The aim of the investigation or review will always be to resolve the complaint and achieve reconciliation between you and the academy. Nevertheless, it is acknowledged that sometimes you may not be satisfied with the outcome if matters are not found in your favour.

The decision of the Complaints Committee is final and there is no further recourse to appeal. However, if you still remain dissatisfied and feel that the academy has not followed the appropriate procedure, any relevant policies, or has failed to discharge a statutory duty, you may wish to refer your complaint in writing to the CEO of The Societas Trust – [www.societatrust.org.uk](http://www.societatrust.org.uk)

Please note that the CEO will not re-investigate the substance of the complaint as this remains the responsibility of the academy, but if legislative or policy breaches are found, the CEO will report them to the academy and, if necessary require the academy to take remedial action.

## Persistent or Vexatious Complaints

You may remain dissatisfied despite all the procedures having been followed and reasonable responses being provided. It may be the case that it is not possible to resolve all your concerns and meet all your wishes. Sometimes it is preferable to 'agree to disagree' and move on.

If you do continue to make representations to the academy on the same issues, the Governing Body reserves the right to inform you, in writing, that the appropriate procedures have all been followed, that all reasonable actions have been taken to try to resolve the issue and that the matter is now closed. Should you then write to the academy again on the same issue (s), there is no obligation on the academy / headteacher / principal to respond to you in that case.

Correspondence received from any complainant subsequent to closure will be kept on file, indefinitely, as will notes of telephone calls and any further personal calls referring to the matter.

Please also refer to the Academy's Persistent or Vexatious Complaints policy.

## **The Role of the Education Funding Agency (the EFA)**

If you still remain dissatisfied and feel that the Trust has not followed the appropriate procedure, any relevant policies, or has failed to discharge a statutory duty, you may wish to refer your complaint to the EFA.

Full details about the role of the EFA can be found on the Department for Education (DfE) website:

[www.gov.uk/government/organisations/education-funding-agency/about/complaints-procedure](http://www.gov.uk/government/organisations/education-funding-agency/about/complaints-procedure)

ADOPTED BY GOVERNORS ON: 8<sup>th</sup> November 2017

REVIEW : Autumn Term 2018

**Chair of Governors**

**Date:**.....

*Review Date– Autumn 2020*