



SUMMERBANK PRIMARY ACADEMY

Complaints Policy

Date of Policy	2019 (via Societas Trust)
Adopted by Governors	05/07/2019
Review Date	Via Societas Trust





The Societas Trust

Complaints Policy

Purpose

The Societas Trust and its academies are required by law to have a complaints policy. This Complaints Policy (the Policy) complies with Part 7 of the Education (Independent School Standards) Regulations 2014. 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. This Policy should also be read in conjunction with the Trust's Investigation and Formal Meetings Procedures.

If your complaint is about a member of the Trust's central team, then please replace the following terms as follows: Academy with Trust; Head Teacher / Principal with CEO; Chair of Governors with Chair of Trust Board; Governing Board with Trust Board.

Expressing Concerns – Informal Complaints (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 the complaint is received from those other than parents / carers of attending pupils, then it should be directed to the Academy Business Manager. If your concern is more serious, you may prefer to make an appointment to discuss it with the Head Teacher / Principal or another member of the Academy's leadership team. All staff will make every effort to resolve your problem promptly, ideally within two working days, at this informal stage depending on the nature and severity of the complaint. There may be instances when some staff may not be available due to the nature of their employment, in which case you will be contacted by the Academy and advised of the timescales involved.

Formal Complaints – (Stage 2)

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 complaints 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 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.

It may be that the Head Teacher / Principal has not been aware of the concern raised prior to this point. At this stage the Head Teacher / 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 Head Teacher / 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 / Principal 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 Head Teacher / 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 Board’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.

Governing Board Complaints Committee (Stage 3)

If a complaint has been referred to the Governing Board’s Complaints Committee (“the Panel”), then the Panel will arrange to meet you to consider the complaint. The Panel will endeavour to provide you with a written response within ten working days after the meeting.

The Chair of the Panel will do their best to ensure that there is a cross-section of the different categories of governor membership to ensure impartiality. There will be at least three panel members, one of whom will be independent of the management and running of the Academy. They will also not have been directly involved in the matter detailed in the complaint, but will be suitably equipped to handle such complaints. The Head Teacher / Principal and Chair of Governors (if involved at Stage 2) will not be members of the 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 Panel’s 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 may be held in your absence.

The Panel may request the services of a Clerk.

Governing Board Complaints Committee (the Panel) – Procedures

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 Panel's complaints meeting and will have the right to bring a friend / family member or other supporter. The Head Teacher and / or Chair of Governors (if involved at Stage 2) may also be asked to attend the meeting, but will not take any part in the decision-making process. The Panel's complaints meeting will adopt the following structure:

- The meeting will be as informal as possible.
- Detailed minutes will be taken of the whole meeting.
- 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 (usually 10 working days).
- 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 Head Teacher / Principal / Chair of Governors and their witnesses after each has spoken.
- The Panel may ask questions at any point.
- The Head Teacher / Principal / Chair of Governors will then be invited to sum up the Academy's actions and response to the complaint.

- The Head Teacher / 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 Panel's decision within ten working days.

Outcomes of Investigations (Stages 2 and 3)

Whether the complaint has been investigated by the Head Teacher / Principal, Chair of Governors (Stage 2) or a Governing Board Complaints Committee (Stage 3), a written response will be sent to you (and the person complained about where relevant) outlining the findings and outcome of the investigation; giving details of the decision and how it has been reached along with any remedial actions that have been taken by the Academy as a result of the complaint; and any other recommendations. The outcome letter will also tell you where to next take the complaint, if you are not satisfied with the response provided. The findings and recommendations will also be available for inspection on the school premises by the proprietor (i.e. Academy Trust) and the Head Teacher.

For Stage 3 complaints, a copy of the minutes (with all personal information redacted) will also be provided.

The Governing Board Complaints Committee ("the Panel") 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

At every stage, 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.

Request for Review by the CEO (Stage 4)

The decision of the Governing Board's Complaints Committee is final and there is no further recourse to appeal at Academy level. 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 of any kind, then you may wish to refer your complaint in writing to the CEO of The Societas Trust, whose contact details can be found at www.societatrust.org.uk. Your letter will be acknowledged by the CEO on receipt and you will be advised in that communication of a timescale for a review and response.

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, which may involve them reconsidering your complaint.

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.

Despite having exhausted the above process, if you do continue to make representations to the Academy on the same issues, the Governing Board 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 or Trust again on the same issue(s), there is no obligation on the Academy / Head Teacher / Principal / CEO 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.

The Role of the Education and Skills Funding Agency (the ESFA)

If you still remain dissatisfied after Stage 4 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 ESFA.

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

www.gov.uk/government/organisations/education-funding-and-skills-agency/about/complaints-procedure

For details of the Complaints Form go to www.form.education.gov/submitform.php

Records of Complaints

The Academy will keep confidential records of all complaints received detailing the stage reached of each complaint and whether it was resolved after a Stage 1 (Informal), Stage 2 (Formal), Stage 3 (Panel Hearing) or Stage 4 (Request for a Review). It will also be recorded if the matter is escalated to the ESFA and the action taken by the Academy as a result of those complaints.

Access to such records will only be granted by the Secretary of State or a body conducting an inspection under section 109 of the Education Act 2008.

APPROVED BY THE DIRECTORS on 13 May 2019.

Review Date - Autumn 2021

Appendix 1 - Complaint Form

Please complete and return to the Academy who will acknowledge receipt and explain what action will be taken.

Your name:

Pupil's name:

Your relationship to the pupil:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

E-Mail address:

Please give details of your complaint.

What action, if any, have you already taken to try and resolve your complaint.

(Who did you speak to and what was the response)?

What actions do you feel might resolve the problem at this stage?

Are you attaching any paperwork? If so, please give details.

Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date: