



COMPLAINTS POLICY

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COMPLAINTS POLICY

1. Introduction

From 1 September 2003 Governing Bodies of all schools are required, under Section 29 of the Education Act 2002, to have in place a procedure to deal with complaints relating to the school, and to any community facilities or service that the school provides. The law also requires the procedure to be published.

The policy distinguishes between three types of complaint:

1. Complaints about the curriculum. These fall within section 409 of the Education Act 1996.
2. Other complaints about schools. These fall within Section 29 of the Education Act 2002.
3. Complaints for which the LEA has responsibilities.

2. Aims

The Gateway Academy aims to:

- Value and approach every complaint in the hope there will be a positive outcome
- Respond to every complaint expeditiously
- In the case of dissatisfaction, to ensure scope for referral to a higher authority
- Deal with any matters by a complainant which are properly the subject of disciplinary action under the separate grievance and disciplinary procedures of the academy

3. Procedures

The procedure for Complaints about the Curriculum is set out in Appendix A.

The policy and procedure for dealing with Other Complaints about the Academy is set out in Appendix B.

The procedure for Complaints for which the LEA has responsibilities is set out in Appendix C.

Appendices D, E and F provide guidance in support of the effective implementation of the policies and Appendix G provides general advice to parents about expressing their views, with a model form for them to complete for formal complaints.

4. Monitoring, Evaluation and Review

The monitoring of the Complaints Policy and its operation in the academy is an important role for the Board of Directors and, where appropriate, the LEA. The Principal should therefore report to the Board of Directors, or an appropriate Committee, on an annual basis (preferably during the Summer term) on the number of formal complaints received; whether they were complaints about the curriculum or otherwise; the level reached, and whether the complainant was satisfied or not.

It is also important to recognise that reports relating to

- Racial incidents (actual or perceived)
- Bullying (actual or perceived)

should also be reported to the Board of Directors to enable them to ensure that the Racial Equality and Bullying / Behaviour Policies are effective and are being satisfactorily implemented and managed within the academy.

In addition it is a requirement of the Race Relations (Amendment) Act that reports of actual or perceived racial incidents are reported to the LEA. Copies of **all** racial incident reports should therefore be sent to the Principal Adviser (School Effectiveness and Individual Needs), Thurrock Council Education Department, Civic Offices, New Road, Grays.

The Board of Directors will review this policy at least every two years and assess its implementation and effectiveness using data from monitoring and feedback from staff, families, pupils and Board of Directors provide. The policy will be promoted and implemented throughout the Academy.

Appendix A

Procedure to deal with Complaints about the Curriculum

1. **Purpose** The Gateway Academy values the good relations they enjoy with most parents and the community. These good relations are based on mutual respect and a willingness to listen to each other's points of view. The purpose of this procedure is to provide a structure to express and resolve concerns about the curriculum and thus to improve the provision for pupils and students.
2. **Introduction** This procedure builds on the legal requirements of Section 409 Education Act 1996 and the Guidance issued in Department of Education & Science Circular 1/89: Local Arrangements for the Consideration of Complaints. It is in the best interest of all parties that any concern is expressed and resolved quickly and at the earliest possible stage.
3. **Scope of the Procedures** These procedures are designed only to resolve complaints falling within Section 409 of the Education Act 1996 i.e. complaints concerning the responsibilities of the Board of Directors and the LEA in:
 - Provision of curriculum, including religious education and worship; which meets the general requirements of Sections 1 and 2 of the Act
 - The implementation of the National Curriculum and compliance with Orders and Regulations made about its requirements and exceptions to its provision (Section 4, 10 and 17)
 - Provision to pupils of compulsory school age of courses leading to an external qualification, only if that qualification and the associated syllabus or syllabus criteria have been approved (Section 5)
 - Provision of religious education and worship as required by the Act and other enactments (Sections 6-10 and 12)
 - In the case of an LEA, establishment of a Standing Advisory Council on Religious Education (SACRE) and review of the agreed syllabus for the area if the SACRE so requires (Section 11)
 - The need to act reasonably in deciding whether or not to be associated with an application for exemption from all or part of the National Curriculum in order to carry out developmental work (Section 16)
 - In the case of a Board of Directors , consideration of appeals by parents about the temporary withdrawal of pupils from part or all of the provisions of the National Curriculum (Section 19)
 - Operation of charging policies in relation to the curriculum (Section 109)
 - Compliance with regulations about the provision of information (Section 22)
 - Compliance with any other enactments relating to the curriculum.

Separate procedures exist to resolve Other Complaints about the Academy and to resolve Complaints for which the LEA has responsibilities.

4. **Stages** The procedure has three possible stages, which must begin with the informal stage:
 - **Informal:** most concerns are easily resolved informally by discussion with staff at the academy; more difficult or complex concerns may take more than one discussion [see section 5 below].
 - **Formal complaint to the Board of Directors :** if, after careful attempts, a resolution is not achieved, a formal complaint can be made to the Board of Directors [see section 6 below].

- **Formal complaint to the local authority:** if either party believes that the Board of Directors has not dealt with the complaint properly or that the outcome is unreasonable, it can be referred to a local authority Adjudication Panel [see section 7 below].

5. Informal Stage

- 5.1 The Gateway Academy are happy to receive suggestions and compliments and talk about concerns that help them identify areas of success and areas in which they could improve. Where a concern is brought to the academy's attention it can almost always be resolved with a single conversation, often with the class teacher or a senior member of staff. Sometimes an issue is more complex and will take more than one discussion to resolve.
- 5.2 Occasionally despite the best efforts of all parties these discussions do not resolve the concern, which then may become a complaint. The complainant will be asked to confirm the complaint in writing to the principal [there is a form to help with this] and it will be formally acknowledged in writing. The principal will copy relevant papers to any member/s of staff named in the complaint.
- 5.3 The principal has the right of written reply to the written complaint.
- 5.4 The academy may have a procedure for mediation at this point, which could involve a member of the Board of Directors or an officer of the Local Education Authority.
- 5.5 Any concerns should be raised as soon as possible after the event.

6. Formal complaint to the Board of Directors

This can be made only if the complainant has:

- sought to resolve the concern through an informal approach to the academy
- allowed reasonable time (normally up to four school weeks) for investigation of the concern
- accepted any reasonable offer by the academy to discuss the result of that investigation
- put the complaint clearly in writing (normally within six months of the event). A form is available to help with this
- taken part in any process of mediation offered by the academy.

- 6.1 The Board of Directors should have a **Complaints Committee** whose responsibility it is to hear and decide about formal Complaints about the Curriculum which have not been resolved at the informal stage.
- 6.2 The complainant should write to the Company Secretary for the Board of Directors at the academy, requesting a meeting of the Complaints Committee. Enclosed with the letter should be a copy of the written complaint submitted at the informal stage and details of any matters which remain unresolved. No new complaints may be included.
- 6.3 A meeting of the Board of Directors **Complaints Committee** will be arranged. The Company Secretary will send the text of the formal complaint to the principal and chair of the Board of Directors. The academy may have up to 10 school days from receipt of this notification to submit its response to the company secretary. The meeting will be arranged as soon as possible and normally for a date within 15 to 30 academy days of receipt of the complainant's request for a **Complaints Committee** meeting. If there is difficulty agreeing a date the chair of the Board of Directors makes the final decision.
- 6.4 Any documents from either the complainant or the principal which are to be considered by the committee, and the names of any witnesses who might be called, must be received by the clerk at least seven school days before the meeting. The Agenda for the

meeting and copies of all papers submitted will be sent to the **Complaints Committee** members, the complainant, the principal, the chair of the Board of Directors and Director of Education at least five school days before the meeting date. The principal will copy relevant papers to any member/s of staff named in the complaint.

- 6.5 The complainant may bring a friend, interpreter or advocate to the meeting.
- 6.6 The principal may bring a friend or professional association representative to the meeting.
- 6.7 If members of staff are asked by the principal to be present at a **Complaints Committee** meeting, they have a right to bring a friend or trade union representative.
- 6.8 It is not normally necessary for a pupil to attend the **Complaints Committee** meeting but if the parent wishes the pupil to be present for any part of the meeting then they must notify the clerk to the Board of Directors at least seven days before the meeting.
- 6.9 The committee will be made up of the members of the Board of Directors who have not previously had any involvement with the complaint.
- 6.10 They will consider the complaint on the basis of the papers they receive and what is said at the meeting.
- 6.11 In the event of either party not attending the meeting, the chair of the committee will decide whether to proceed or to adjourn, at any stage.
- 6.12 The chair of the **Complaints Committee** will control the meeting and will aim to complete all the business at a reasonable time without the need to adjourn to another day. It is important that all participants help by being clear about the points they wish to make, by keeping to the point, by answering questions succinctly and by being polite throughout.
- 6.13 The **Complaints Committee** can:
 - uphold the complaint in full;
 - uphold it in part;
 - dismiss it.

In complex cases they may wish to give a complex response. The Company Secretary will send the complainant, the principal, the chair of the Board of Directors and the Director of Education a letter setting out the outcome of the meeting, within seven days of the meeting. The principal will copy relevant papers to any member/s of staff named in the complaint.

- 6.14 Having come to a decision about the complaint, the committee may refer issues of principle or general practice to another forum, such as the Board of Directors, or to an individual such as the principal.
- 6.15 The **Complaints Committee** should ensure that a written response is given to the complainant, giving details of the reasons for upholding or dismissing the complaint, as soon as possible after the meeting.
- 6.16 The Director of Education has the right, under this procedure, to have a representative present at all stages of the Board of Directors Complaints Committee meeting and to have a copy of all associated paperwork.

7. Formal complaint to the local authority

- 7.1 If one of the parties (i.e. the complainant or the principal) believe either that the complaint has not been properly and fairly dealt with by the Board of Directors, or that the outcome is unreasonable, then a formal request for adjudication may be made to the Local Education Authority [LEA]. Such a request will be expected to be received by the LEA within 15 days of the date of the letter from the clerk giving the outcome of the Board of Director's Complaints Committee meeting.
- 7.2 The LEA has a statutory responsibility to consider a Complaint about the Curriculum which has not been resolved by the Board of Directors.
- 7.3 To refer a formal complaint to the local authority either party writes a letter to the Director of Education setting out the grounds for dissatisfaction.
- 7.4 The Director of Education, or his representative, will within 5 school days:
- write to acknowledge the letter
 - forward a copy of the letter to the chair of the Board of Directors Complaints Committee and to the other party and offer each the right of appeal.
 - Ask the Democratic Services Department to establish an Adjudication Panel.
- Any documents from the chair or the other party to be considered by the Adjudication Panel, and the names of any witnesses who might be called, should be received by the Director within 10 school days of the date of the Director's letter.
- 7.5 The Director of Education will arrange for collation of all paperwork and will send it to the Democratic Services Department for distribution.
- 7.6 The Adjudication Panel will normally meet within 30 school days of the Director's request and will be composed of three or five members appointed by the LEA from the following categories:
- People who are eligible to be lay members. This means people without personal experience in the management of any school or the provision of education in any school (disregarding experience as a school the Board of Directors or in another voluntary capacity). **There must be at least one lay member of the panel;**
 - People who have experience in education, who are acquainted with educational conditions in the LEA's area, or who are parents of registered pupils at a school. There must be at **least one panel member from this category.**
 - The disqualifications of persons from serving on the Adjudication Panel are the same as for Admissions Appeal Panels.
- 7.7 The complainant may bring a friend, interpreter or advocate to the meeting.
- 7.8 The principal may bring a friend or professional association representative.
- 7.9 It is not normally necessary for a pupil to attend the Adjudication Panel meeting but if the parent wishes the pupil to be present for any part of the meeting then they must notify the clerk to the Panel at least seven days before the meeting.
- 7.10 The Adjudication Panel will then decide on the basis of the paperwork and what is said at the meeting, whether or not:
- the correct procedure was followed;
 - the outcome was reasonable.

The Director of Education has a right to attend or be represented and may give advice to the Adjudication Panel.

7.11 The Adjudication Panel can decide to:

- uphold the decision of the Board of Directors; in this case the matter rests;
- recommend the Board of Directors to reconsider the complaint in the light of the findings of the adjudication.

In addition the Adjudication Panel may make recommendations to any of the parties involved and will send a letter setting out the outcome of the Panel meeting, normally within 10 school days of the meeting, to the:

- original complainant;
- chair of the Board of Directors Complaints Committee;
- principal (who will copy relevant papers to any member/s of staff named in the original complaint);
- chair of the Board of Directors;
- Director of Education.

7.12 There is no further appeal to the Local Authority. If a complainant wishes to pursue the complaint then they have recourse to the Secretary of State or the Local Government Ombudsman

8. Monitoring

The monitoring of complaints is important. The Principal should report to the Board of Directors (or an appropriate Committee) on an annual basis (preferably during the Summer term) on the number of formal complaints received; whether they were complaints about the curriculum or otherwise; the level reached, and whether the complainant was satisfied or not. Reports relating to

- Racial incidents (actual or perceived)
- Bullying (actual or perceived)

should also be reported to the Board of Directors to enable them to ensure that the Racial Equality and Bullying / Behaviour Policies are effective and are being satisfactorily implemented and managed within the academy.

Reports of actual or perceived racial incidents must be reported to the LEA.

Appendix B

Procedure to deal with Other Complaints about the Academy (i.e. excluding the Curriculum)

1. **Purpose** This Academy values the generally good relations that we enjoy with parents and the community. These good relations are based on mutual respect and a willingness to listen to other points of view. The purpose of this procedure is to provide a structured opportunity to express and resolve concerns about the academy and thus to improve the provision our pupils.
2. **Introduction** This procedure builds on the legal requirements of Section 29 of the Education Act 2002 and the Guidance issued in the Department for Education & Skills, School Complaints Procedure Toolkit - LEA 0180/2003. It is in the best interest of all parties that any concern is expressed and resolved quickly and at the earliest possible stage.
3. **Scope of the Procedures** These procedures are designed only to resolve complaints about matters in the academy which are the sole responsibility of the academy Board of Directors.

Separate procedures exist to resolve Complaints about the Curriculum and to resolve Complaints for which the LEA has responsibilities.

4. **Stages** The procedure has two possible stages and all complainants must begin with the informal stage:
 - **Informal:** most concerns are easily resolved informally by discussion with staff at the academy; more difficult or complex concerns may take more than one discussion.
 - **Formal complaint to the Board of Directors:** if after careful attempts a resolution is not achieved, a formal complaint can be made to the Board of Directors.

5. Informal Stage

- 5.1 This academy is happy to receive suggestions and compliments and talk about concerns, which help us identify areas of success, and areas in which we could improve. Where a concern is brought to the academy's attention it can almost always be resolved with a single conversation, often with the class teacher. Sometimes an issue is more complex and will take more than one discussion to resolve.
- 5.2 Occasionally despite the best efforts of all parties these discussions do not resolve the concern, which then may become a complaint. The complainant should confirm the complaint in writing to the principal [there is a form to help with this] and it will be formally acknowledged in writing within five school days. The principal will copy relevant papers to any member/s of staff named in the complaint.
- 5.3 The principal has the right of written reply to the written complaint.
- 5.4 There will be an opportunity for mediation at this point, which could involve a member of the Board of Directors or an officer of the Local Education Authority.
- 5.5 If a concern is about the Principal, then it should be sent to the Chair of the Board of Directors.
- 5.6 Any concerns should be raised as soon as possible after the event.

6. Formal complaint to the Board of Directors

This can be made only if the complainant has:

- sought to resolve the concern through an informal approach to the academy;
- allowed reasonable time (normally up to six school weeks) for investigation of the concern;
- accepted any reasonable offer by the academy to discuss the result of that investigation;
- put the complaint clearly in writing (normally within six months of the event). A form is available to help with this;
- taken part in the process of mediation offered by the academy.

6.1 This Board of Directors has a Complaints Committee whose responsibility it is to hear and decide about Other Complaints about the Academy which have not been resolved at the informal stage.

6.2 The complainant should write to the Company Secretary for the Board of Directors, at the academy, requesting a meeting of the Complaints Committee. Enclosed with the letter should be a copy of the written complaint submitted at the informal stage, indicating which matters remain unresolved. No new complaints may be included.

6.3 A meeting of the Board of Directors' Complaints Committee will be arranged. The clerk will send the text of the formal complaint to the principal and chair of the Board of Directors. The academy may have up to 10 school days from receipt of this notification to submit its response to the clerk. The meeting will be arranged as soon as possible and normally for a date within 15-30 school days of receipt of the complainant's request for a Complaints Committee meeting. If there is difficulty agreeing a date the chair of the committee makes the final decision.

6.4 Any documents from either the complainant or the principal which are to be considered by the committee, and the names of any witnesses who might be called, must be received by the clerk at least seven school days before the meeting. The Agenda for the meeting and copies of all papers submitted will be sent to the Complaints Committee members, the complainant and the principal at least seven clear days before the meeting date. The principal will copy relevant papers to any member/s of staff named in the complaint.

6.5 The complainant may bring a friend, interpreter or advocate to the meeting.

6.6 The principal may bring a friend or professional association representative to the meeting.

6.7 If members of staff are asked by the principal to be present at a Complaints Committee meeting, they have a right to bring a friend or trade union representative.

6.8 It is not normally necessary for a pupil to attend the Complaints Committee meeting but if the parent wishes the pupil to be present for any part of the meeting then they must notify the clerk to the Board of Directors at least seven school days before the meeting.

6.9 The committee will be made up of members of the Board of Directors who have not previously had any involvement with the complaint.

6.10 They will consider the complaint on the basis of the papers they receive and what is said at the meeting.

6.11 In the event of either party not attending the meeting, the chair of the committee will decide whether to proceed or to adjourn, at any stage.

6.12 The chair of the Complaints Committee will control the meeting and will aim to complete all the business at a reasonable time without the need to adjourn to another day. It is important that all participants help by being clear about the points they wish to make, by keeping to the point, by answering questions succinctly and by being polite throughout.

6.13 The committee can:

- uphold the complaint in full;
- uphold it in part;
- dismiss it.

In complex cases they may wish to give a complex response.

The clerk will send the complainant, the principal and the chair of the committee a letter setting out the outcome of the meeting, within seven days of the meeting. The principal will copy relevant papers to any member/s of staff named in the complaint.

6.14 Having come to a decision about the complaint, the committee may refer issues of principle or general practice to another forum, such as the Board of Directors, or to an individual such as the principal.

6.15 The Complaints Committee should ensure that a written response is given to the complainant, giving details of the reasons for upholding or dismissing the complaint, as soon as possible after the meeting.

7 Monitoring

The monitoring of complaints is important. The Principal should report to the Board of Directors (or an appropriate Committee) on an annual basis (preferably during the Summer term) on the number of formal complaints received; whether they were complaints about the curriculum or otherwise; the level reached, and whether the complainant was satisfied or not. Reports relating to

- Racial incidents (actual or perceived)
- Bullying (actual or perceived)
-

should also be reported to the Board of Directors to enable them to ensure that the Racial Equality and Bullying / Behaviour Policies are effective and are being satisfactorily implemented and managed within the academy.

Reports of actual or perceived racial incidents must be reported to the LEA.

It is also vital that correspondence, statements and records relating to individual complaints is kept confidential except where the Secretary of State or a body conducting an inspection under section 163 of the 2002 Act (pre-registration inspectors) requests access to them.

8 Review

The Board of Directors will review this policy at least every two years and assess its implementation and effectiveness using data from monitoring and feedback from staff, families, pupils and Board of Directors provide. The policy will be promoted and implemented throughout the Academy.

Appendix C

Procedure to deal with Complaints for which the Local Education Authority [LEA] has responsibilities

1. Introduction

This procedure builds on the legal requirements of Section 409 Education Act 1996 and the Guidance issued in Department of Education & Science Circular 1/89: Local Arrangements for the Consideration of Complaints, where the complaint is the responsibility of the LEA and not the responsibility of the Board of Directors

Separate procedures exist to deal with Complaints about the Curriculum and to deal with Other Complaints about the Academy.

2. Informal Stage

- 2.1 Where a concern is brought to the relevant officer's attention, it can almost always be resolved with a single conversation. Sometimes an issue is more complex and will take more than one discussion to resolve.
- 2.2 Occasionally despite the best efforts of all parties these discussions do not resolve the concern, which then may become a complaint. The complainant will be asked to confirm the complaint in writing to the Director of Education [a form is available to help with this] and it will be formally acknowledged in writing. The Director of Education will copy relevant papers to any officers named in the complaint.
- 2.3 The Director of Education has the right of written reply to the written complaint.

3. Formal stage

- 3.1 The complainant should write to the Director of Education requesting that the complaint be considered under the formal procedure, enclosing with the letter a copy of the written complaint submitted at the informal stage and indicating which matters remain unresolved. No new complaints may be included.
- 3.2 The Director of Education will, within 5 school days:
 - write to acknowledge the letter;
 - arrange for the complaint to be investigated, this could involve the Standing Advisory Council on Religious Education (SACRE) if deemed appropriate;
 - ask the Democratic Services Department to establish an Adjudication Panel.
- 3.3 Any documents from the complainant or from the Director of Education which are to be considered by the Panel, and the names of any witnesses who might be called, must be received by the Democratic Services Department at least 7 school days before the meeting.
- 3.4 The Democratic Services Department will arrange for the collation and distribution of all paperwork.
- 3.5 The Adjudication Panel will normally meet within 30 school days of the Director's request and will be composed of three to five members appointed by the LEA from the following categories:
 - people who are eligible to be lay members. This means people without personal experience in the management of any school or the provision of education in any

school (disregarding experience as a member of the Board of Directors or in another voluntary capacity). **There must be at least one lay member of the panel;**

- people who have experience in education, who are acquainted with educational conditions in the LEA's area, or who are parents of registered pupils at a school. There must be at **least one panel member from this category.**

The disqualifications of persons from serving on the Adjudications Panel are the same as for Admissions Appeal Panels.

- 3.6 The complainant may bring a friend, interpreter or advocate to the meeting.
- 3.7 It is not normally appropriate for a pupil to attend.
- 3.8 The Director of Education has a right, to attend, or be represented and may give advice to the Adjudication Panel.
- 3.9 The Adjudication Panel will consider the complaint on the basis of the papers they receive and what is said at the meeting.
- 3.10 The Adjudication Panel will then decide to:
- uphold the complaint in full;
 - uphold it in part;
 - dismiss it.

In addition the Adjudication Panel may make recommendations to any of the parties involved and will send a letter setting out the outcome of the Panel meeting, normally within 10 school days of the meeting, to the:

- original complainant;
 - Director of Education.
- 3.11 There is no further appeal to the Local Authority. If a complainant wishes to pursue the complaint they have recourse to the Secretary of State or Local Ombudsman.

Appendix D

Advice to the Board of Directors on the handling of complaints

1. The role of the Board of Directors

A key role of the Board of Directors is to influence the ethos of the academy, its general atmosphere and philosophy. This influence carries with it an equivalent responsibility to support the principal and the staff and to ensure fairness to them as well as to pupils, parents and those in the community who come into contact with the academy.

The Gateway Academy needs to be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage reduces the numbers that develop into formal complaints. Concerns should be received with an open mind and it is good practice for staff to be able to resolve concerns on the spot, including apologising where necessary.

A written record should be kept of all concerns and subsequent conversations with the complainant.

It is recommended that the Board of Directors establish a Complaints Committee in advance of any formal complaints being received.

2. Legislation

Section 409 of the *Education Act 1996* deals with complaints against the curriculum and states that 'Every local education authority shall, with the approval of the Secretary of State make arrangements for the consideration and disposal of any complaint. Guidance from the Department of Education and Science on the above legislation was issued in Circular No 1/89 *Education Act 1996: Local Arrangements for the Consideration of Complaints*. That Circular offered advice to local authorities on the establishment of 'local arrangements' and required that they send their proposals to the Secretary of State for approval.

Section 29 of the Education Act 2002 requires the governing bodies of all maintained Schools to have in place a procedure to deal with complaints relating to the academy and to any community facilities or services that the academy provides. The law also requires the procedure to be publicised. The Department for Education and Science has issued advice to governing bodies on the General Principles of Complaints, the Complaints Procedure and Managing and Recording Complaints. This advice is in the School Complaints Procedure Toolkit – LEA/0180/2003.

It is recommended that the Board of Directors ensures that any third party providers offering community facilities or services through the academy premises, or using academy facilities [i.e. hirers of academy premises], have their own complaints procedure in place.

3. Academy Procedure

In order to fulfil its role, as outlined above, the Board of Directors should establish that there are clear procedures and structures within the academy for dealing with all types of concerns and complaints, and that these are widely understood and accepted for use by all academy staff and the Board of Directors. It should be clear to all concerned, who will deal with complaints and what will happen at each stage. For example, a later stage in the informal arrangements might involve a member of the Board of Directors or someone from another organisation being brought in to facilitate mediation.

Every effort should be made to deal with any complaint quickly. Experience has shown that this is beneficial for all concerned and it lessens the likelihood of the complainant adding further complaints about the way in which their complaint has been handled. A complaint well handled can result in a complainant having more confidence in the academy than s/he had before making the complaint.

4. Roles of the Local Authority and Others

Officers in the Education Department will advise parents, the Board of Directors and academy staff of the details of the complaints procedure and good practice but will remain impartial where individual complaints are concerned. The LEA has a formal role in the Procedure for Complaints about the Curriculum.

Where the complaint is one which could lead to disciplinary action being taken against a member of staff then, whilst the complaint itself may be capable of being dealt with under the complaints procedure, any consideration of disciplinary action will be dealt with separately under the School Disciplinary Procedure. Your Personnel Adviser will give you advice about the correct procedure to adopt in such a case.

A complaint which involves Child Protection issues will be subject to the Child Protection Procedures and advice should be sought from the LEA officer responsible for Child Protection issues.

The Secretary of State for Education and Skills has power to issue a direction to “prevent a school from exercising its functions unreasonably” or, where it is failing to discharge a statutory duty.

The Local Government Ombudsman is not able to consider complaints about schools except with regard to admissions.

5. Framework of Principles

An effective Complaints Procedure will:

- encourage resolution of problems by informal means wherever possible;
- be easily accessible and publicised;
- be simple to understand and use;
- be impartial;
- be non adversarial;
- allow swift handling with established time limits for action and keeping people informed of the progress;
- ensure a full and fair investigation by an independent person where necessary;
- respect peoples desire for confidentiality;
- address all the points at issue and provide an effective response and appropriate redress, where necessary;
- provide information to the academy’s senior management team so that services can be improved.

6. Complaints Committee

6.1 Role

The committee should be given the power to make decisions on behalf of the Board of Directors and may:

- uphold the complaint
- uphold it in part or

- dismiss it

Where the issue under consideration does not fall within the remit of the Committee, the members may still wish to make recommendations.

A Complaints Committee should be appointed at a full Board of Directors meeting, in advance of a complaint being received, and its membership and terms of reference should be reviewed annually. Model Terms of Reference are included in this document as Appendix E. Model committee procedures are included in this document as Appendix F. The composition of the Committee should be considered carefully. Dealing with any complaints that reach this stage is likely to be challenging but careful planning early on can avoid unnecessary complications. Consider the following:

6.2 Membership

The most important point to remember is that any complaints committee member should not have had previous significant involvement with the complaint. For example, the following should not be appointed:

- the Principal;
- a member of the Board of Directors who is likely to be involved in mediating at the informal stage;
- a member of the Board of Directors who also works in the academy and who may consequently be likely to have significant involvement with, or knowledge of, a complaint.

Whoever is appointed should be able to attend a meeting at relatively short notice.

The Complaints Committee should be three or five members of the Board of Directors, and at least one substitute should be appointed to take the place of any committee member who might be unavailable or unable to serve. The minutes of the Board of Directors meeting should show exactly who should be called for a meeting and in what order. The Board of Directors clerk will then be clear about whom to call from a list of names so there can be no allegation of bias.

6.3 Chair

The Board of Directors may appoint a chair for the Complaints Committee at the same time as they decide on the membership of the committee. This avoids uncertainty and allows the chair to manage the proceedings effectively before the meeting as well as during and after it. This is essential for a successful outcome. Alternatively the committee may be left to decide which of its members will chair a particular meeting

Previous experience of chairing a meeting is helpful. The Board of Directors should be aware that these meetings can be difficult and that the unexpected may occur.

6.4 Clerk

The Company Secretary to the Board of Directors should organise a clerk to the complaints committee meeting. If the clerk is not available then the LEA [Governor Services] may be able to assist in finding an appropriately experienced clerk.

The clerk will draw up the agenda and make all the necessary arrangements for the meeting.

6.5 Director of Education

The Director of Education has the right under the Procedure for Complaints about the Curriculum, to have a representative present at all stages of the Board of Directors Complaints Committee meeting and to have a copy of all associated paperwork.

The Director has no rights in respect of meetings of the Complaints Committee convened under the Procedure for Other Complaints about the Academy. However the LEA will endeavour to offer impartial advice, which could include attendance at a meeting, if requested to do so. If the LEA is subsequently asked to comment on the outcome of an "other complaint about the academy", it will offer a view only on whether the Board of Directors has correctly followed appropriate procedures. It will not consider the complaint in detail, as it has no power to direct the Board of Directors to take alternative action.

7. Complaints Committee meeting

7.1 Before a meeting

A copy of the agenda, the complaint and any written response from the principal will normally be sent to complaints committee members at least seven clear days before the meeting. Each member must immediately read the papers to check that they have no significant involvement with the case under consideration, but should not discuss it with anyone else. If they need to withdraw from the committee the clerk will organise a substitute. It is essential to withdraw at this early stage so that a substitute can be arranged to avoid postponing the meeting.

7.2 Practical arrangements

The tone of a meeting can be set by what happens when the complainant first arrives for the meeting. Therefore it is worth the chair considering the following:

- What time will participants be asked to arrive?
- Who will greet participants when they arrive?
- Will anyone wait with them?
- Where will other people wait? (Separate places for complainants and academy representatives are advisable)
- Will there be any refreshments provided?
- Where will the meeting take place?
- How will the meeting room be arranged? (Small informal arrangements are usually best)
- What route will the complainant and academy representatives take to the meeting room?

7.3 The meeting

The model procedure is based on advice given by the Council of Tribunals and following this will ensure that the rules of natural justice are met.

The same business rules apply as for other Board of Directors committee meetings. For example, members of the Board of Directors are not bound to accept tabled papers and may adjourn if they feel that they need time to consider an unexpected issue, including procedural issues. Voting is by a simple majority of those committee members present and voting and in the event of a tied vote then the chairman has a casting vote.

7.4 Chair's role

An effective chair will:

- take control of the meeting with confidence and, following the model procedure, judge when to move the meeting on when necessary and aim towards a resolution by coming to a conclusion on the written and oral evidence presented at the meeting;

- convey to all concerned that s/he is acting impartially by being courteous to all participants and by treating them similarly;
- make it clear that although s/he wants to be as informal as possible, s/he will keep to the procedure as this will allow everyone to have a fair hearing;
- explain, for example, that s/he will hear the participants speak in their turn and without interruption;
- be prepared to be firm about keeping to the procedure and reminding any participant, as necessary, about the stage the meeting has reached, e.g. if interruptions occur or if participants do not keep to the point or do not give direct answers to questions;
- bear in mind that all participants will be under stress and are unlikely to be used to this type of meeting;
- indicate any time limits that s/he would like to adhere to, but be sure not to unreasonably restrict any participants opportunity to say what they need to say to the committee;
- write down the decision of the committee and the reasons for the decision so this can be accurately given to the participants and recorded in the minutes [the clerk should be able to advise on this];
- if the participants are invited back to hear the decision, make it clear to all parties that no further discussion is possible;
- in case of referral to an Adjudication Panel, ensure that the clerk has properly collated all papers given to the committee.

8 After the Meeting

The Complaints Committee should ensure that a written response is given to the complainant, giving details of the reasons for upholding or dismissing the complaint, as soon as possible after the meeting.

9 Monitoring

The monitoring of complaints is important. The Principal should report to the Board of Directors (or an appropriate Committee) on an annual basis (preferably during the Summer term) on the number of formal complaints received; whether they were complaints about the curriculum or otherwise; the level reached, and whether the complainant was satisfied or not.

Reports relating to

- Racial incidents (actual or perceived)
- Bullying (actual or perceived)

should also be reported to the Board of Directors to enable them to ensure that the Racial Equality and Bullying / Behaviour Policies are effective and are being satisfactorily implemented and managed within the academy.

Reports of actual or perceived racial incidents must be reported to the LEA.

Appendix E

Model Terms of Reference for a Board of Directors Complaints Committee

Membership

Three or five named Members of the Board of Directors and at least one named reserve [which may be called from a previously prioritised list]

N.B The membership should not include the named members of the Board of Directors for complaints, as s/he will have been involved in mediation and have prior knowledge of the complaint.

The principal cannot be a member as s/he will have prior knowledge of the complaint and will be responding to the complaint.

Member of the Board of Directors who also work in the academy are unlikely to be eligible as they are likely to have prior knowledge of the complaint, or could appear to be biased. They should not normally serve on the Complaints Committee.

Quorum

The quorum of the Committee will be 3 members.

Frequency of Meetings

The Committee will meet as required.

Clerking Arrangements:

The committee will be clerked by the Company Secretary to the Board of Directors. If the clerk is not available then the services of an appropriately experienced clerk will be sought

Terms of Reference and Delegated Powers

1. To act in accordance with the Academy Governance Procedures Regulations, the Terms of Reference Regulations and other legislation affecting the conduct and responsibilities of School Governing Bodies.
2. To appoint a Chair for each meeting unless the Board of Directors has already appointed one.
3. To consider complaints in accordance with the Board of Directors Procedures for:
 - A] Complaints about the Curriculum
 - B] Other complaints about the Academy.
4. To decide, in every case, whether to:
 - Uphold the complaint in full;
 - Uphold the complaint in part;
 - Dismiss the complaint.
5. To ensure that a written response is given to the complainant, giving details of the reasons for upholding or dismissing the complaint, as soon as possible after the meeting.

6. To advise the Board of Directors of decisions taken within the powers delegated by providing at Board of Directors meetings, for information, a statement of the meeting and the decisions taken.
7. To refer appropriate matters arising from the consideration of complaints to other individuals or groups for attention.

Appendix F

Procedure for a meeting of a Complaints Committee

1. Committee members and their clerk convene
2. The committee considers, with advice from their clerk, any members' declarations of interests, entitlement to vote and any requirement to withdraw from the meeting
3. The committee elects a chair for the meeting
4. The committee confirms the procedure to be followed [set out below] and decides whether the decision will be conveyed orally to all parties at the end of the meeting, as well as in writing afterwards.

5. The complainant and the principal are invited to join the meeting. Witnesses remain outside until they are called.
6. The chair introduces all those present, explains the role of the Clerk, explains the procedure to be followed and states how the decision will be announced.
7. The complainant presents their complaint and calls any witnesses.
8. The Principal asks questions of the complainant and witnesses.
9. The Committee asks questions of the complainant and witnesses.
10. Complainants witnesses leave.
11. The Principal presents their response to the complaint and calls any witnesses.
12. The complainant asks questions of the Principal and witnesses.
13. The Committee asks questions of the Principal and witnesses.
14. Principal's witnesses leave.
15. The complainant summarises their complaint
16. The Principal summarises their response to the complaint
17. Complainant and Principal leave meeting

18. The committee consider the complaint and decide to:
 - uphold the complaint in full;
 - uphold it in part;
 - dismiss it.
19. The committee consider whether and how to refer issues of principle or general practice to another forum, such as the Board of Directors, or to an individual such as the principal.

20. The Complainant and Principal are invited to join the meeting [if agreed under item 4 above].
21. The decision is announced and any rights of appeal, where they exist, are explained.
22. The meeting ends.
23. As soon as possible after the meeting the clerk writes to all parties setting out the decision of the committee, giving details of the reasons for upholding or dismissing the complaint, and explaining how to exercise any right of appeal.

NB All documents pertinent to the committee meeting are confidential. The Minutes of the meeting are confidential to the committee members. However they may be required to be produced as part of the documentation for any subsequent appeal.

Appendix G

'I have something to say to the academy'

Advice to Parents

Introduction

Often parents and other members of the public would like the academy to know their views. Sometimes there are meetings when this is possible. On other occasions a personal comment is more appropriate. Communication, written or spoken, is valued as part of the partnership between home and academy. Co-operation between parents, staff and members of the Board of Directors leads to a shared sense of purpose and a good atmosphere in the academy. This leaflet aims to answer some of your questions about this.

Should I pay a compliment?

Certainly. Those at the academy are always pleased to learn things have gone well and are appreciated

Should I tell them my concerns?

Definitely. All members of staff want to know as soon as possible if something concerns you or your child. They can then investigate and give you a response. If need be, they can also take steps to remedy a situation. Misunderstandings can be cleared up. An apology can be given if something is found to be wrong. Everyone benefits from the speedy resolution of difficulties and from suggestions for improvement.

Should I complain?

Yes - if you believe that something is seriously wrong. Your view can then be considered and an investigation can establish whether there is something wrong which needs to be corrected. The academy's response will be based on the Board of Directors' agreed policy and will seek to be fair to all concerned. Writing down your complaint helps to clarify exactly what you are complaining about and there is a form to help you do this.

Who do I contact?

That depends on the particular situation. Usually the class teacher will be able to deal with the matter. More serious problems will require a senior member of staff or the principal. Mutual courtesy is to be expected and ensures that things go smoothly. There should always be discussion in the hope of solving difficulties informally. Most problems are solved in this way. A complaint about the principal goes to the chair of the Board of Directors.

What if the matter is still unresolved?

It will be necessary to write to the academy to inform them about this. In response the academy may invite you to a meeting to talk together about it. The academy may arrange for a suitable mediator to be present. After trying all other ways, you may decide to make a formal complaint to the Board of Directors.

What is a complaint?

It is an expression of serious dissatisfaction. This could be about an event that has happened, failed to happen, or the way in which something was handled. Fuller information about your academy's complaints procedure can be obtained from the principal of the academy, who will provide you with a copy.

Who will deal with my complaint?

At first, academy staff will respond, and others may help. If you proceed further with your complaint, a committee of the Board of Directors (not previously involved with the case) will listen carefully to both sides before reaching an independent decision.

How do I make a formal complaint to the Board of Directors?

You submit a copy of your complaint in writing to the company secretary, including a request for a formal hearing. There is a form to help you do this. You cannot introduce new or different complaints at this stage. You will receive an acknowledgement within five school days. A meeting will follow, with all the relevant paperwork having been circulated at least five school days in advance to everyone involved. You (accompanied by a friend if you wish) and the principal (also accompanied by a friend or trade union representative) will be invited to speak to the committee and to ask and answer questions. The committee normally allows witnesses to attend part of the meeting. A Board of Directors may decide not to consider a complaint about something that occurred more than six months previously.

What happens next?

You will be informed, in writing, of the committee's decision. If your complaint is about the academy then this is the end of the matter. If your complaint is about the curriculum and you are not satisfied with this decision you can ask for an independent panel, appointed by the Local Authority, to look at all the paperwork and hear your complaint again, to see if the decision reached was reasonable.

Remember?

This whole process exists so that your views, and the views of others, can be heard. You have rights. Pupils have rights. Staff and the Board of Directors have rights. The aim is that the complaint should be properly and fairly dealt with. Communications with the academy are frequent and are welcome. The later stages of the complaints procedure are used rarely, but remain part of the process. Services are improved by a positive response to compliments, concerns and complaints.

Complaints Procedure Form

Please complete this form and return it to who will acknowledge receipt and explain what action will be taken.

Your name:

Pupils name:

Your relationship to the pupil:

Your address:

Your postcode:

Your daytime telephone number:

Your evening Telephone number:

Please give details of your complaint:

What action, if any, have you already taken to try to resolve your complaint, [who did you speak to and what was the response]?

What action do you feel might resolve the problem?

Are you attaching any paperwork? If so please give details:

Signature:

Date:

For official use only

Date complaint received:

Acknowledgement sent by:

Date acknowledgement sent:

Complaint referred to:

Date referred:

Record of subsequent procedures:

Monitoring

The academy should record formal "Complaints about the Curriculum" and "Other Complaints about the academy", with the Board of Directors receiving an annual report.

The monitoring of the Complaints Policy and its operation in the academy is an important role for the Board of Directors and, where appropriate, the LEA. The Principal should therefore report to the Board of Directors, or an appropriate Committee, on an annual basis (preferably during the Summer term) on the number of formal complaints received; whether they were complaints about the curriculum or otherwise; the level reached, and whether the complainant was satisfied or not.

It is important to recognise that reports relating to

- Racial incidents (actual or perceived)
- Bullying (actual or perceived)

Should also be reported to the Board of Directors to enable them to ensure that the Racial Equality and Bullying / Behaviour Policies are effective and are being satisfactorily implemented and managed within the academy.

Formal "Complaints about the Curriculum" and "Complaints for which the LEA has responsibilities" will be monitored by the LEA, recording the number and nature and outcome of the complaints and the time taken to resolve them.

In addition it is a requirement of the Race Relations (Amendment) Act that reports of actual or perceived racial incidents are reported to the LEA. Copies of **all** racial incident reports should therefore be sent to the Principal Adviser (School Effectiveness and Individual Needs), Thurrock Council Education Department, Civic Offices, New Road, Grays.

Publicity

Reference to the Complaints Procedure and where it can be obtained should be included in the Academy Prospectus and in the Annual Report to Parents.

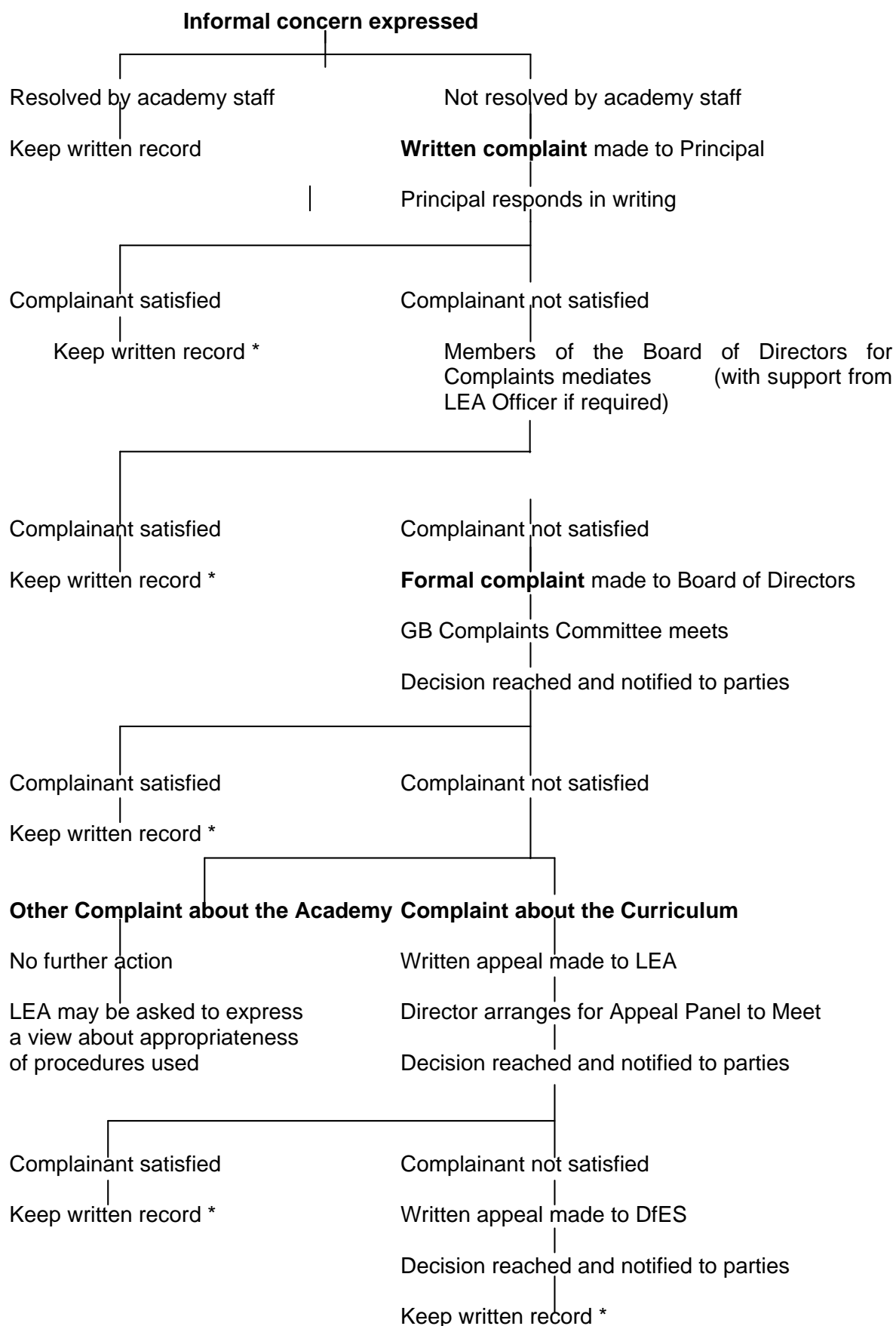
Copies of the Complaints Procedures should be available in the academy.

Local Education Authority (LEA) Contact Point

Linda Clampett (Compliments & Complaints Co-ordinator)

01375 652242

Complaints Procedural Flow Chart



* Report all complaints to Board of Directors annually