



# Ark Burlington Danes Primary Academy



## COMPLAINTS POLICY

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Every pupil matters: Every lesson counts

# CONTENTS

PRINCIPLES	3
LEGAL OBLIGATIONS	3
DEALING WITH COMPLAINTS	3
RECORDS	3
COMPLAINTS PROCEDURE	4
APPENDIX	7

## PRINCIPLES

The academy tries to resolve problems informally wherever possible. An effective response and appropriate redress will be provided to all complaints as quickly as possible dependent upon the complexity of the issues raised.

**NB** This policy relates to complaints about the educational administration of an academy and typically applies to complaints made by parents and carers of pupils. It does not relate to matters which are governed by employment legislation or those where the principles of civil contract law would normally apply e.g. service/supply contracts entered into with an academy.

## LEGAL OBLIGATIONS

- Complainants must be aware that there is a complaints procedure and copies of this policy will be available on request.
- If the process results in an appeal to the governing body (see below), the procedure is in the Appendix.

## DEALING WITH COMPLAINTS

At each stage, the person investigating the complaint will ensure that they:

- Clarify the nature of the complaint and unresolved issues
- Clarify what the complainant feels would put things right
- Interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- Keep appropriate notes of any interview(s) held.

At each stage, the person investigating the complaint will seek ways to resolve the complaint satisfactorily. It may be appropriate to offer one or more of the following:

- An acknowledgement that the complaint is valid in whole or in part and/or acknowledgement that the situation could have been handled differently or better (this is not the same as an admission of negligence)
- An apology
- An explanation
- An assurance and an explanation of the steps that have been taken to ensure that it will not happen again
- An undertaking to review academy procedures in light of the complaint.

## RECORDS

All complaints will be recorded by the academy, including informal complaints. The Principal or Headteacher is responsible for ensuring that staff record all complaints and their outcome.

- Records relating to individual complaints are confidential, except in limited circumstances to comply with the Data Protection Act or Freedom of Information act, or where the secretary of state or a statutory body<sup>1</sup> conducting an inspection requests access to them.
- The Local Governing Board (LGB) will monitor the level and the subject matter of complaints and review the outcomes on a regular basis through the mechanism of performance and data reporting.

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<sup>1</sup> Under section 163 of the Education Act 2002

## COMPLAINTS PROCEDURE

- a) Informal complaints – verbal informal complaints may be made to teachers at the end of the school day or to Principals/ Headteachers by appointment. A verbal or written response may be given to an informal complainant.
- b) Formal complaints- The complainant will write to the academy with details of:
  - The complaint
  - Any attempts they made to raise/resolve the complaint (who they spoke to and when)
  - Actions they feel might resolve the problem
  - Any staff they would prefer not to discuss the issue with.
- c) A staff member (not the subject of the complaint) nominated by the Principal/ Headteacher will acknowledge and investigate the complaint within 7 working days. This time scale may be reasonably extended if the nature of the complaint is judged by the Principal/ Headteacher to be of a complex nature. The investigatory report will be presented to the Principal/ Headteacher for final determination. The complainant will receive a formal response in writing from the Principal/ Headteacher. (See paragraph 9 for complaints about the Principal/ Headteacher).
- d) If the complainant is still not satisfied, they can appeal to the LGB (see below). A complaint panel will be convened within a reasonable period of time depending on the availability of governors and other members making up the panel. Every effort will be made to deal with complaint appeals expeditiously.
- e) Academies and ARK Schools reserve the right to deny investigation of any complaints which are considered to be vexatious, malicious, and those relating to a previous complaint that has already been investigated.

### **ARK Schools**

The officer with responsibility for ensuring that this policy is implemented in ARK academies is the Chief Operating Officer at ARK Schools. Complainants should be aware that Principals/ Headteachers may refer complaints received to the Governance Manager at ARK Schools because they consider the matter is one of such a nature that it should be investigated independently of the academy.

### **Appeals to the LGB**

#### *(a) Constitution of the panel*

ARK's Governance Manager will convene a complaints panel:

- The panel will consist of at least three people with no prior direct involvement with the issue.
- At least one of the members of the panel must be independent of the management and running of the academy and not a member of the LGB.
- No member of the panel can have been directly involved in previous consideration of the complaint.

- Individual complaints must not be heard by the whole governing body at any stage.

*(b) Remit of the panel*

The panel can:

- 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.

*(c) Proceedings of the panel*

The procedure for the complaint panel is outlined in the attached Appendix. The Governance Manager, having consulted with the complainant and the Principal/ Headteacher, will have the discretion to decide which of the procedures to follow. The appeal will be closed to the public.

*(d) Role of the Governance Manager*

The Governance Manager will be the contact point for the complaint and will be required to:

- Set the date, time and venue of the hearing
- Collate any written material and send it to the parties in advance of the hearing
- Record the proceedings
- Notify parties of the panel's decision.

The decision of the appeal panel is final subject to any subsequent referral to the EFA (see note at end of this policy document).

### **Dealing with persistent complaints**

In the case of vexatious or persistent complaints, the Chief Operating Officer will inform the complainant in writing that the procedure has been exhausted and that the matter is now closed.

### **Responsible person**

The person in charge of co-ordinating the complaints procedure at the academy is the Principal/ Headteacher. Overall responsibility is retained by ARK Schools through the office of the Chief Operating Officer. The role of governors arises only in respect of appeals where the complainant remains dissatisfied with attempts to resolve the issue of complaint and as set out above.

### **Complaints made about a Principal/ Headteacher of an academy**

ARK Schools recognise that in exceptional circumstances parents/carers may wish to complain about Principals/ Headteachers.

- If the complainant wishes to raise a complaint about the Principal/ Headteacher, they should raise this directly with the Principal/ Headteacher in the first instance. This is the first stage of the process.
- Where issues have been raised in this way and remain unresolved, the complainant may appeal and write to ARK Schools at its head office c/o the

Governance Manager. On receipt the complaint will be acknowledged and an investigation will be undertaken. The COO will convene a panel of three (including the COO) and the three panel members will not have had any direct involvement in the matters detailed in the complaint. The case and the complainant will receive a formal written response. As a matter of courtesy the Chair of the LGB will be advised.

- The determination will be made within 15 working days unless the complaint is judged to be of a complex nature.

**Note regarding the Education Funding Agency (EFA):** In limited circumstances it is possible for complaints to be referred to the EFA. The EFA can consider complaints where it is alleged that:

- a) the academy has not complied with its own complaints policy or the policy does not comply with statutory requirements  
OR
- b) the academy has failed to comply with a duty imposed on it under its funding agreement with the Secretary of State. Details of how to complain can be found on the Department for Education's website.

## APPENDIX

### **Procedure**

The Governance Manager, having sought the views of the complainant and the Principal/ Headteacher, will decide which of these following procedures is most beneficial to the nature of the complaint.

#### **1) A formal meeting**

All parties will attend the meeting in the same room. The complainant, the Principal/ Headteacher and any other staff/ witnesses will be invited to make representations concerning the complaint and may be questioned by the panel members so that they can form a clear and unbiased view of the complaint. Whilst it will be for the chair of the panel to decide exactly how the meeting will proceed, the procedure at the meeting will allow:

- a. the complainant to explain their complaint
- b. the Principal/ Headteacher/ other party to explain the school's response
- c. the panel to have an opportunity to question both the complainant and the other party
- d. all involved to call witnesses (subject to the approval of the chair of the panel), and the panel to question all the witnesses
- e. the complainant, the Principal/ Headteacher/ other party and staff/ witnesses to be accompanied at the meeting if they so wish (other than by a legal representative).

The meeting will be minuted, and these minutes circulated to the parties with the Panel's decision.

At the end of the meeting, the chair of the panel will explain to the complainant and the Principal/ Headteacher/ other party that the panel will consider its decision based on the information and evidence presented to them, and a written response will be sent to both parties as quickly as possible and in an expeditious manner.

#### **2) An investigatory approach**

The complainant and representative(s) from the school may be invited to attend a formal meeting with the complaints panel in order to clarify the matter. As the panel meeting is intended to be investigatory, the persons giving evidence or making representations to the panel would normally attend separately. Whilst it will be for the chair of the panel to decide exactly how the meeting will proceed, the procedure will allow:

- a. the complainant, the Principal/ Headteacher/ other party and staff/ witnesses to be accompanied if they so wish (other than by a legal representative)
- b. notes of the interview to be made, checked with the interviewee and made available to other parties on request.

The chair of the panel will explain to the complainant and the Principal/ Headteacher/ other party that the panel will consider its decision based on the information and evidence presented to them, and a written response will be sent to both parties as quickly as possible and in an expeditious manner.

Whichever procedure is followed, the panel will remember that some complainants are unused to dealing with groups of people in formal situations and may feel

inhibited. Parents/ carers may also feel emotional about discussing an issue that affects their child. The chair of the panel will ensure that the proceedings are as informal as the situation allows.