



# Complaints Policy



Date of Adoption: 23<sup>rd</sup> May, 2016  
Frequency of Review: 3 years  
Review Date due: May, 2019

# KINGSTHORPE COLLEGE COMPLAINTS POLICY

## 1. Scope

- 1.1. This Complaints Policy is based on the principle that concerns expressed by a parent should be resolved as quickly as possible without the need to escalate to the formal stages of the procedure. However, where resolution has not been achieved and the person raising the concern is unhappy and wishes to take the matter further, the formal procedure for dealing with complaints will be followed. The four stages are:
  - Stage 1 - Informal resolution
  - Stage 2 - Formal resolution: investigation by a member of the senior leadership team
  - Stage 3 - Formal resolution: investigation by the Executive Principal
  - Stage 4 – Formal resolution: Panel Hearing.
- 1.2. Complaints made by members of staff should be dealt with under separate grievance procedures applicable to employees. Complaints made by employees will not be dealt with under this Complaints Policy.
- 1.3. Complaints made by Local Governors should be referred to the Chair of Local Governors to be dealt with informally as an item for consideration initially. Complaints made by Local Governors will not be dealt with under this Complaints Policy.
- 1.4. Complaints made by contractors should be dealt with informally, but may be escalated where dispute resolution or a formal complaints process is included in the contractual agreement. Complaints made by contractors will not be dealt with under this Complaints Policy.
- 1.5. Complaints about or relating to a pupil should be directed to the relevant member of the Academy's staff. If the Complainant is not happy with the manner in which the complaint was handled, then they may put their complaint in writing and ask for it to be dealt with formally.
- 1.6. This Complaints Policy is intended to be compliant with Schedule 1, Part 7 of the Education (Independent Schools Standards) (England) Regulations 2014 (as amended) ("the Regulations"). In the event of any variance between this Complaints Policy and the Regulations, the Regulations will apply.

## 2. Policy

- 2.1 Concerns or complaints should be raised within three months of the incident or event to which the complaint relates (or, where the complaint relates to a series of incidents or events, within three months of the latest incident or event).
- 2.2 The Academy has four stages (see 1.1) to its complaints procedure. The aim is to try to deal with the complaint, to the satisfaction of the Complainant, at the earliest possible stage.

- 2.3 Only if the complaint cannot be resolved at the informal stage would it be escalated to the formal stages. Only if the complaint cannot be subsequently resolved at the formal stages would it be escalated to a Complaint Panel Hearing.

### **Principles of Investigating a Concern or Complaint**

- 2.4 The principles that will form the basis for all investigations of concerns and complaints will be that the person investigating the complaint:
- Has read this Complaints Policy to familiarise his or her self with the procedure;
  - Is aware of the time limits that apply to the relevant stage and ensures that he or she complies with them;
  - Establishes the nature of the complaint and what issues remain unresolved;
  - Establishes what the Complainant says has happened, who has been involved, and what the Complainant feels would put things right;
  - If necessary, interviews those involved in the matter, for example the Complainant, pupils and members of staff, including those complained about;
  - Allows pupils and those complained about to be accompanied during interviews, if they wish;
  - Keeps a written record of the interview, and asks the interviewee to sign and date it;
  - Establishes relevant facts, on a balance of probabilities, based on evidence not speculation, and keeps a written record of these;
  - Provides an effective response to the complaint, addressing all issues raised (including, where relevant, complaints about the way in which the complaint has been dealt with in the earlier stages);
  - Ensures that the response to the complaint includes the appropriate redress, where necessary;
  - Reports the complaint and the outcome of the complaint to the Senior Management Team so that services can be improved;
  - Deals with investigation in an impartial, objective, fair and timely manner, keeping in mind the privacy of the parties involved.

### **Principles of Resolving a Concern or Complaint**

- 2.5 It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. The way in which the concern or complaint is dealt with after the Complainant first raises the matter can be crucial in determining whether the complaint will escalate. To that end, members of staff will be periodically made aware of the procedure in this Complaints Policy, so that they will know what to do when a concern is raised with them.
- 2.6 At each stage of the complaints procedure, the investigator will consider how the complaint may be resolved. In considering how a complaint may be resolved, the

investigator will give due regard to the seriousness of the complaint. It may be appropriate in order to bring the complaint to a resolution for the investigator to offer:

- An explanation;
- An apology;
- Reassurance that steps have been taken to prevent a recurrence of events which led to the complaint;
- Reassurance that the Academy and/or the Trust will undertake a review of its policies and procedures in light of the complaint.

None of the above will constitute an admission of negligence or an acceptance of liability on behalf of the Academy or the Trust.

### **Principles of Notifying the Outcome of a Concern or Complaint**

2.7 Once all of the facts have been established, the investigator will write to the Complainant setting out all of the issues in dispute, the results of the investigation, the decision made, the reasons for the decision, and details of any action to be taken to resolve matters or prevent a reoccurrence. Alternatively, the investigator may wish to meet with the Complainant to discuss the outcome of the investigation, the decision made, the reasons for the decision and any action to be taken directly, in which case a full written record will be made of the meeting, which the Complainant will be asked to sign and date. Strictly confidential procedures such as staff disciplinary investigations or sanctions must not be referred to.

2.8 The outcome of all concerns and complaints, whether dealt with formally or informally, will be recorded centrally by the Academy. Examples of outcomes include:

- There was insufficient evidence to reach a conclusion, so the complaint cannot be upheld;
- The evidence did not substantiate the concern, so the complaint cannot be upheld;
- The complaint was substantiated in part or full. A brief description should be given of the remedial action being taken by the Academy as a consequence of the complaint. Details of the investigation of or any disciplinary sanctions to be taken against a member of staff cannot be disclosed.
- The matter has been fully investigated and, as a consequence, further confidential procedures are being pursued. Strictly confidential procedures such as staff disciplinary investigations and sanctions must not be referred to.

### **Time Limits**

2.9 This Complaints Policy sets out the time limits for each stage of the complaints procedure. Those dealing with complaints will keep to these time limits. However, where a complaint is of a particularly complex nature, or further investigations are required to ascertain the facts, new time limits can be set. The Complainant will, within the time limit specified in this Complaints Policy, be sent the details of any changes to the time limits with an explanation for the delay and confirmation of the revised date.

## **Late Complaints**

- 2.10 Where a concern or complaint is raised more than three months after the incident or event (or where the complaint relates to a series of incidents or events, more than three months from the date of the latest incident or event), the Academy reserves the right to refuse to investigate the concern or complaint under the procedure in this Complaints Policy if it appears reasonable and fair to do so, having regard to the circumstances surrounding the complaint.
- 2.11 Where the Academy decides that a concern or complaint which was raised late will not be investigated, the Academy will write to the Complainant notifying them of the decision within 5 school days of the concern or complaint being raised.
- 2.12 If the Complainant is unhappy with the decision not to investigate a concern or complaint that was raised late, the Complainant may write to the Chair of Local Governors at the Academy asking for the decision to be reviewed. The Chair of Local Governors will be provided with all documentation relating to the concern or complaint, together with the letter from the Academy to the Complainant, and will review the decision made. The Chair of Local Governors will write to the Complainant with the outcome of the review within 10 school days of the date that the letter from the Complainant seeking the review was received, and provide the Academy with a copy of the letter.
- 2.13 If the Chair of Local Governors quashes the decision not to investigate the concern or complaint, it will be referred to the Academy to be dealt with under the procedure in this Complaints Policy in the usual way.
- 2.14 If the Chair of Local Governors upholds the decision not to investigate the concern or complaint, the Complainant may refer the concern or complaint to the Education Funding Agency using the procedure stated towards the end of this Complaints Policy.
- 2.15 In exceptional circumstances, the Chair of Local Governors can delegate the responsibility for the review to the Vice-Chair of Local Governors.

## **Vexatious and/or Repeated Complaints**

- 2.16 There may be occasions when, despite exhausting the procedure in this Complaints Policy, the Complainant persists in making the same complaint to the Academy. There may also be occasions when a Complainant raises unreasonable persistent complaints or raises complaints about matters which do not affect them. In addition, there may be occasions when a complaint is made about a matter which is clearly so trivial that it would be a waste of the Academy's resources to deal with it under the formal stages of the procedure. In all of these cases, the Academy reserves the right to regard the complaint as vexatious and/or repeated and to refuse to investigate it under the procedure in this Complaints Policy if it appears reasonable and fair to do so, having regard to the circumstances surrounding the complaint.
- 2.17 Where the Academy decides that a complaint is vexatious and/or repeated and will not be investigated, the Academy will write to the Complainant within 5 school days of the complaint being raised to notify them of the decision.

- 2.18 If the Complainant is unhappy with the decision not to investigate a vexatious and/or repeated complaint, they may write to the Chair of the Local Governing Body to ask for the decision to be reviewed. The Chair of the Local Governing Body will be provided with all documentation relating to the current complaint and any previous complaints which were relevant to the decision, together with the letter from the Academy to the Complainant, and will review the decision made. The Chair of Local Governors will write to the Complainant with the outcome of the review within 10 school days of the date that the letter from the Complainant seeking the review was received.
- 2.19 If the Chair of Local Governors quashes the decision not to investigate the concern or complaint, it will be referred to the Academy to be dealt with under the procedure in this Complaints Policy in the usual way.
- 2.20 If the Chair of Local Governors upholds the decision not to investigate the concern or complaint, the Complainant may refer the concern or complaint to the Education Funding Agency using the procedure stated towards the end of this Complaints Policy.
- 2.21 In exceptional circumstances, the Chair of Local Governors can delegate the responsibility for the review to the Vice-Chair of Local Governors.

#### **Anonymous Complaints**

- 2.22 The Academy will not investigate anonymous complaints under the procedure in this Complaints Policy. Anonymous complaints will be referred to the Principal who will decide what, if any, action should be taken.

#### **Record Keeping**

- 2.23 A written record will be kept of all complaints that were resolved at the formal stage of the complaints procedure. Records will contain details of whether the complaint was resolved at stage 2, stage 3 or proceeded to a stage 4 panel hearing. The action taken by the academy or the Academy Trust as a result of a complaint (regardless of whether they are upheld) will also be recorded.

#### **Confidentiality**

- 2.24 Correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the Education and Skills Act 2008 requests access to them.

### **3. Stage 1 – Informal Resolution**

- 3.1 The class teacher and other members of staff can deal with many concerns to the satisfaction of the Complainant, without needing to deal with it formally. The Academy values informal meetings and telephone discussions as a way of improving its procedures and relations with parents.
- 3.2 There is no rigid time-scale for resolving concerns and complaints at this stage, given the importance of dialogue through informal discussions, however it is expected that most concerns will be resolved within 10 school days. Should the nature or complexity of the concern mean that more time is required, the Academy will write to the

Complainant within 10 school days informing them of the reason for the delay and confirming a revised date for resolution.

- 3.3 Should informal meetings and telephone discussions appear unlikely to resolve the concern, either party may initiate a move to the Stage 2 for the complaint to be investigated formally. A copy of the formal complaint form in Appendix A will be forwarded to the Complainant for completion and return, together with a copy of this Complaints Policy.

#### **4. Stage 2 – Formal Resolution: Investigation by a member of the Senior Leadership Team**

- 4.1 The complainant must put the complaint in writing, addressed to the Executive Principal of the academy, setting out briefly the facts and stating what it is that the complainant considers should have been done or where the academy has not met reasonable expectations.
- 4.2 An investigation will be carried out by a member of the Senior Leadership Team of the academy; which may include the offer of a meeting with the complainant. The investigator will speak to others involved. Whenever reasonably possible, any meeting with the complainant will take place within 15 school days of the written complaint being received.
- 4.3 The investigator will put her/his findings in writing and will indicate what, if any, steps should be taken to resolve the matter. Whenever reasonably possible, this will be done within 15 school days of any meeting with the complainant; if no meeting is arranged it will be within 15 school days of the written complaint being received.

Any complaint relating to the Executive Principal of the academy must be raised in the first instance with the **Chair of Governors** who will, if an informal resolution cannot be reached, designate a member of the Local Governing Body to investigate in the same way as in the first stage of the formal process outlined above.

Where the complainant remains dissatisfied he may request the complaint is dealt with at Stage 3. Any such request must be set out in writing, stating where the complainant remains dissatisfied and lodged within 10 school days of the complainant receiving the findings in writing.

#### **5. Stage 3 – Formal Resolution: Executive Principal**

- 5.1 The complainant must put the complaint in writing, addressed to the Executive Principal of the Trust, setting out briefly the facts and stating what it is that the complainant considers should have been done or where the academy has not met reasonable expectations.
- 5.2 The Executive Principal may appoint a member of the Local Governing Body of the academy to investigate the complaint. The investigation may include the offer of a meeting with the complainant. Whenever reasonably possible, any meeting with the complainant will take place within 15 school days of the written complaint being received.

- 5.3 The investigator will put her/his findings in writing and will indicate what, if any, steps should be taken to resolve the matter. Whenever reasonably possible, this will be done within 15 school days of any meeting with the complainant; if no meeting is arranged it will be within 15 school days of the written complaint being received.

Where the complainant remains dissatisfied he may request the complaint is dealt with at Stage 4. Any such request **must** be set out in writing, stating where the complainant remains dissatisfied, what remedies are being sought and be lodged within **10** school days of the complainant receiving the findings in writing. The request must be addressed to the Clerk to the Governors.

## **6. Stage 4 – Formal Resolution: Panel Hearing**

- 6.1 The Complaints Panel of the Academy Trust will consider all complaints at Stage 4.
- 6.2 The Complaints Panel will comprise of at least three people, which will include one person who is independent of the management and running of the Academy Trust and any of its academies.
- 6.3 The Complaints Panel may also include one or more persons from the following categories:
- A member of the local governing body of the academy where the complaint emanated from.
  - A member of a local governing body from another academy within the Academy Trust.
  - A member of the Board of Trustees from the Academy Trust.
- 6.4 None of the members of the Complaints Panel will have been directly involved in the matters detailed in the complaint.
- 6.5 The Clerk will invite the academy to put in writing its response to the complainant's reasons. The academy will provide this within 15 school days. At the end of that period (whether or not the academy has responded) the Clerk will convene a meeting of the Complaints Panel. That meeting will be held as quickly as practicable given the need to find a date that is reasonably convenient for the complainant, the academy and the members of the Complaints Panel. Whenever possible, the meeting will be held within 15 school days of the end of the academy's response time. At any meeting, the complainant will be entitled to be accompanied by a friend but legal representation will not be allowed.
- 6.6 The meeting is not a court case, it will be held in private, and will be as informal as circumstances allow. The complainant will have the opportunity to put her/his reasons for dissatisfaction and to enlarge on them but may not introduce reasons that were not previously put in writing. The academy will have the opportunity to put its side of things and each side, as well as the Panel members, will be able to ask questions. The complainant will have the opportunity to make final comments to the Panel.

- 6.7 The Panel may make findings and recommendations and a copy of those findings and recommendations will be:
- Sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about.
  - Available for inspection on the academy premises by the Academy Trust, and the Executive Principal.
- 6.8 The Panel will formulate its response as quickly as reasonably possible, aiming to do so within 10 school days, and the Clerk will notify all concerned.
- 6.9 The Complaints Panel will only be arranged if the complainant and/or their representative attend. If the complainant does not confirm attendance or fails to attend on the day without compelling reasons, the Complaints Panel will not proceed and the complainant will lose their right to the complaint being heard. Any further attempt to re-open the matter will be considered as falling under the serial / persistent complaint section as below.

## **7. Complaint Referred to Education Funding Agency**

- 7.1 Once a complaint has been through all the stages of the this Complaints Policy, if the Complainant believes that this Complaints Policy does not comply with the Regulations, or if the Complainant believes that the Academy has not followed the procedure in this Complaints Policy, the Complainant can refer the complaint to the Education Funding Agency for consideration.
- 7.2 The Complainant can find further information about referring a complaint to the Education Funding Agency by pasting this page into an Internet browser: <http://www.education.gov.uk/schools/leadership/schoolperformance/b00212240/making-complaint-school/complaints-free-schools-academies>
- 7.3 The Complainant can refer your complaint to the Education Funding Agency by completing an online form by pasting this page into an Internet browser: <https://www.education.gov.uk/schools/leadership/schoolperformance/schoolcomplaints-form>
- 7.4 The Complainant should be aware that the Education Funding Agency will not usually investigate the complaint itself, or interfere with the findings of the Complaint Panel, unless the decision made was manifestly unreasonable.

## Appendix A

### Formal 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	
Day time telephone number	
Evening telephone number	
Please provide details of your complaint	

<p>What action, if any, have you already taken to try and resolve your complaint (for example, who have you spoken to and what was the response)?</p>	
<p>What actions do you feel might resolve the problem at this stage?</p>	
<p>Are you attaching any paperwork? If so, please give details</p>	
<p>Signature</p>	
<p>Date</p>	
<p>Official use only</p>	
<p>Date acknowledgement sent and by who</p>	
<p>Complaint referred to and date</p>	