



# Complaints Procedure

Updated September 2018



The Academy Complaints Policy will:

- encourage resolution of concerns 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 ensure a full and fair investigation by an independent person where necessary
- respect people's rights to confidentiality
- address all the points at issue and provide an effective response and appropriate resolution, where necessary
- provide for information to be made available to the Leadership Group (LG) so that services can be improved.

Ashcroft Technology Academy (the Academy) understands that students feel more secure and are better able to give of their best when they receive consistent messages from home and the Academy. For this reason, and for the benefit of all of its students, the Academy aims to establish and promote effective communication with parents and carers (hereafter jointly referred to as parents). The views and concerns of our parents are listened to and the Academy will, in return, inform parents, as soon as possible, about any issues of concern to staff relating to their child so that, with co-operation from home, the Academy can resolve them.

If a parent has a concern or complaint during their son or daughter's time at the Academy, the Academy expects that both concerns and complaints will be resolved informally through discussion with the relevant Form Tutor, subject teacher or Curriculum Manager. If this is not possible, then discussion with the relevant Head of Year, or Lead teacher of SEN or ARC, should ensure a positive resolution to any matters, again with an emphasis on informal processes wherever possible.

The Academy will be clear about the difference between a concern and a complaint and the Academy will take concerns seriously at the earliest stage to reduce the numbers that develop into complaints.

In general, most concerns and complaints should be satisfactorily dealt with at the informal stage

If informal procedures fail to resolve the issue, a formal complaint can be made in writing by the parent and submitted via the Principal's PA, who is the Complaints Coordinator and will ensure that the complaint is dealt with promptly according to procedures below (see stage 2 below).

Note: If the concern or complaint relates to a student who has left the Academy, the following procedures do not apply. The parents instead should write to the Principal directly with their complaint and their suggested resolution/s. The Principal will acknowledge receipt of the complaint and he, or a delegated member of the Leadership Group, will respond within 5 days, unless a detailed investigation is required of previously unknown facts, in which case, a time-frame for a response will be given in the acknowledgement of the parents' complaint.

The complaints procedure is detailed below:

### **Stage 1 - Informal Complaints**

It is hoped that most concerns and complaints will be resolved quickly and informally.

If parents have a concern or complaint, they should normally contact their child's Form Tutor. In many cases, the matter will be resolved almost immediately. If the Form Tutor cannot resolve the matter alone, or he or she is not considered to be the correct contact, it may be more appropriate to consult the relevant Head of Year, Lead of specialist provision or Curriculum Manager. Should the matter not be resolved as referred to above, or in the event that the Form Tutor, Head of Year, Lead of specialist provision or other relevant member of staff and the parents fail to reach a satisfactory resolution, then the parents may proceed with a formal complaint at stage 2.

- The Academy aims for this Informal Stage to be completed within 10 working days. Any complaint received during a school holiday or within 10 working days of the end of term or half term may take longer to resolve.

### **Stage 2 – Formal Referral (via the Principal's PA as complaints co-ordinator of the Principal's office)**

If the complaint cannot be resolved on an informal basis, then parents should put their complaint in writing with full details, a preferred resolution, all relevant documents and full contact details to the Principal's PA in his/her role as Complaints Co-ordinator. If a formal written complaint is received by another member of the Academy's staff, this will be passed immediately to the Principal's PA. The Principal's PA will acknowledge receipt of the complaint within two working days.

The Principal's PA will refer the complaint to a member of the Leadership Group who will act as Investigating Officer. Unless unavoidable, the Principal and Vice-Principal should not become involved at this stage to avoid prejudicing their possible future involvement.

The Investigating Officer will determine the correct course of action and may request additional information from the complainant and any staff directly involved in the complaint or in discussing it at the informal stage.

- In most cases, the Investigating Officer will meet or speak with the parents concerned to discuss the matter and will use reasonable endeavours to speak to or meet parents within 10 working days of the formal complaint being received. It is likely that for most complaints at this first formal stage, a resolution will be reached.
- The Investigating Officer will keep a note of all meetings and interviews held in relation to the complaint.
- Once the Investigating Officer is satisfied that, so far as is practicable, all of the relevant facts have been established, a decision will be made. The Investigating Officer will arrange to meet with parents, who will be informed of this decision, giving reasons for the decision. This will normally take place no later than 10 working days after receiving the complaint.
- The Academy will keep a written record of all first formal complaints, including notes of meetings and interviews held in relation to the complaint. This record will state if complaints were resolved at stage 2 or if they were subsequently taken further

- If parents or guardians are unhappy with the Stage 2 response, they should write to the Principal.

### **Stage 3 – Formal Referral to the Principal**

A request for a complaint to be heard by the Principal must be made in writing within 10 working days of the date of the Investigating Officer's decision made at Stage 2. This request should be made to the Principal (by letter or e-mail) including a copy of the original written complaint and also indicating which matters remain unresolved. No new complaints should be included which have not already been discussed at Stages 1 and 2 of the process

When the complaint is received, the Principal will acknowledge receipt within two working days. The acknowledgement will indicate the action the Principal will take and the likely timescale if it seems unlikely that the 10-day target suggested below can reasonably be met.

- The Principal will meet with Investigating Officer to review the Stage 2 process.
- The Principal will then identify the appropriate course of action to take having considered the matters deemed to be unresolved from the parents' submission against the Stage 2 process.
- It is likely that for most complaints reaching this third formal stage, a resolution will be reached.
- The Principal will keep a written note of all meetings and interviews held in relation to the complaint.
- Once the Principal is satisfied that, so far as is practicable, all of the relevant facts have been established, a decision will be made. Parents will be informed of this decision in writing, giving reasons for the decision. The decision should wherever possible be provided no later than 10 working days from that date of receipt of the Stage 3 complaint.
- Where parents are dissatisfied with the Principal's response to their second formal complaint, the parents have the opportunity to appeal the decision.

### **Stage 4 – Formal Referral to the Chair of the Executive Board**

If the complaint cannot be resolved at any of the earlier stages, or if the complaint is about the actions of the Principal, then parents should put their complaint in writing, which must include their preferred resolutions to the complaint, to the Chair of the Executive Board. In order that the complainant receives a timely acknowledgement, parents should place their complaint in a sealed envelope entitled 'For the attention of the Chair of the Executive Board – Private and Confidential'. They should also include their name and email address on the front of the envelope. The sealed confidential envelope should then be placed in a larger envelope addressed to the Principal's PA. The Principal's PA will acknowledge receipt of the complaint within 2 working days and forward the sealed envelope to the Chair of the Executive Board.

The Chair of the Executive Board will confirm when he has received and read the complaint. In his response, he will indicate the time frame within which he will conduct an investigation and respond formally to the complaint. It should be noted that the Chair of the Executive Board is not a member of the staff of the Academy, nor is based there, so response time may vary according to other commitments.

- The Chair of the Executive Board will undertake an investigation of the complaint unless he deems it appropriate for the complaint to be investigated on his behalf.
- The Chair of the Executive Board will decide, after considering the complaint, and discussing background information with appropriate members of the Academy staff the appropriate course of action to take.
- The Chair of the Executive Board may need to meet or speak with the parents concerned to discuss the matter and, if appropriate, will use reasonable endeavours to speak to or meet parents at a mutually convenient location
- The Vice-Principal (who is also Clerk to the Executive Board) will act as note-taker for any such discussion.
- The Chair of the Executive Board will keep a written note of all meetings and interviews held in relation to the complaint.
- Once the Chair of the Executive Board is satisfied that, so far as is practicable, all of the relevant facts have been established, a decision will be made. Parents will be informed of this decision usually in writing by the Chair of the Executive Board, giving reasons for the decision.
- The Academy will keep a written record of all final formal complaints, including records of meetings and interviews held in relation to the complaint. This record will state if complaints were resolved at the final formal stage or if they were taken to an Independent Complaints Panel (ICP).
- Where parents are dissatisfied with the outcome of the Academy's response to their final formal complaint, the parents have the opportunity to have their complaint considered by an ICP.

### **Stage 5 – Formal Referral to an Independent Complaints Panel (ICP)**

If parents seek to invoke an independent hearing following failure to reach an earlier resolution and where dissatisfied with the decision at Stage 5 in respect of their final formal complaint to the Academy, the parents may, in writing addressed to the Vice-Principal, request that their complaint is considered by an ICP as appropriate for this purpose.

- This request for further assessment of the complaint will, for the purposes of this Policy, be known as an 'appeal'.
- Parents must lodge their appeal in writing to the Vice-Principal (who also acts as Clerk to the Board of Trustees) and within 10 working days of the date of the Academy's decision made in accordance with the Stage 5 Procedure. The parents should provide a list of their complaint(s) made against the Academy and which they believe to have remained unresolved up to and including the Stage 5 Procedure, along with the remedies sought in respect of each and why previous decisions, reasons or suggested actions (where relevant) were unsatisfactory. The ICP is only obliged to consider the complaint(s) lodged in this 'initial submission' although they may use their discretion to consider other relevant and related matters that may subsequently arise.

- If an appeal is received by the Vice-Principal, the Vice-Principal will, within 5 working days, refer the matter to the Board of Trustees.
- The Vice-Principal will provide an independent source of advice on procedure for all parties.
- Once an appeal has been received by the Vice-Principal, he will acknowledge the appeal in writing within 5 working days, and inform the parents of the steps involved in this appeal procedure.
- The Vice-Principal will then endeavour to convene an ICP Hearing as soon as possible to consider the matter, normally no later than 20 working days after receipt by the Academy of parents' written notice that they wish to invoke the Stage 6 Procedure. However, this will be dependent upon the availability of the Panel members.
- The ICP will consist of two members of the Academy's Board of Trustees and Executive Board (a representative from each group) who have not previously been involved in the complaint, and one person independent of the management and running of the Academy. The process used for selecting an independent person will conform to relevant guidance issued by the Department for Education (DfE).
- The following are entitled to attend a hearing, submit written representations and address the ICP:
  - The parent/s (or, if aged over 18, the student) and/or one representative;
  - The Chair of the Executive Board and/or Principal of the Academy and/or one representative; and
  - Any other interested person whom the ICP considers to have a reasonable and just interest in the appeal and whose contribution would assist the Panel in their decision-making.
- Evidence will be considered by the ICP, along with the initial submission that was lodged by the parents.
- Evidence will be initially sent to the Vice-Principal, who will then circulate the documentation to all parties, including the ICP members, along with an order of proceedings. All written evidence must be received by the Vice-Principal no later than 10 working days in advance of the hearing. The Vice-Principal will distribute the written evidence to the relevant parties no later than 5 working days in advance of the ICP hearing.
- It is for the ICP to decide how to conduct the proceedings of the appeal, which should be reasonably informal so that all parties can present their case effectively. If possible, the ICP will resolve the parents' complaint immediately without the need for further investigation. Where further investigation is required, the ICP will decide how it should be carried out. A copy of the procedure to be followed would be issued by the Vice-Principal to those attending the ICP hearing.
- After due consideration of all the facts they consider relevant, the ICP will reach a decision, and may make recommendations, which it shall complete within 10 working days of the hearing. The decision reached by the ICP is final. Any decision reached that may have

financial implications for the Academy will need the appropriate approval from the Chair of the Executive Board, whilst aiming to remain compatible with the decision of the ICP.

- The ICP's findings will be sent by the Vice-Principal in writing to the parents, the Chair of the Executive Board, the Principal, the members of the ICP and, where relevant, the person complained of. The letter will state any reasons for the decision reached and recommendations made by the ICP.
- Should the parent be unhappy with the conduct of the appeal, they may contact The DfE online by way of the following link:
- <https://form.education.gov.uk> and follow the links through the complaints procedure heading.
- The DfE's only role in this will be to ensure that due procedure has been correctly followed according to this policy.
- The Academy will keep a record of all appeals, decisions and recommendations of the ICP on the Student's File and thereafter in line with standard retention requirements and in line with General Data Protection Regulations (GDPR).
- The Complaints Policy and Procedure shall be subject to biennial review.