



# Concerns and Complaints Policy for Parents/Carers

**Reviewed: June 2018**

**Authorised by: Quality & Standards Committee**

**Next review date: June 2020**



## **Aim**

**To provide a written and systematic procedure for dealing with complaints by the Academy, which is fair and meets the requirements of the Equality Act 2010.**



## **1 Introduction**

**1.1 Circulation:** This policy is addressed to the Leadership Group; to all members of staff and, on request, to parents. [A copy can be downloaded from the Academy's website.]

**1.2** This policy can be made available in large print or other more accessible format, if required. If you require assistance with making a complaint, for example because of a disability, please contact the Academy who will be happy to make appropriate arrangements.

**1.3 Policy status:** The policy has been approved by the Head and the Governing Body of West Coventry Academy. It provides guidelines for handling concerns and complaints. It takes account of paragraph 25 of schedule 1 to the Education (Independent School Standards) (England) Regulations 2010 (SI 2010/1997). The policy takes account of the Academy's public sector equality duty set out in section 149 of the Equality Act 2010.

**1.4** The policy applies to all sections of the Academy. The procedures set out below may be adapted as appropriate to meet the policy aims and circumstances of each case. Certain of the procedures can only be carried out during term time.

**1.5 Application:** Separate procedures apply in the event of a child protection issue, or in relation to admissions or exclusions.

**1.6 Parent(s) / You:** Includes a current or prospective parent or legal guardian or education guardian, and may at our discretion include a parent whose child has recently left the Academy.

**1.7 Four stages:** This policy describes a four stage procedure:

- **Stage 1:** informal raising of a concern or difficulty notified orally or in writing to a member of staff
- **Stage 2:** a formal complaint in writing to the Head
- **Stage 3:** a renewed complaint in writing to the Chair of the Governing Body
- **Stage 4:** a reference to the Complaints Panel

**1.8 Timescales:** We aim to resolve any complaints in a timely manner. Timescales for each stage are set out below in the relevant paragraphs. When we refer to **School Days**, we mean Monday to Friday, when Academy is open during term time. The dates of terms are published on the Academy's website.



**1.9 A concern about the safety of your child should be notified immediately to the person you believe is best placed to take urgent action and should be confirmed in writing to the Head.**

## **2 Policy aim and statement**

**2.1 Aim:** The aim of this policy is to ensure that a concern or complaint is managed sympathetically, efficiently and at the appropriate level, and resolved as soon as possible. Doing so is good practice, it is fair to those concerned and it helps to promote parents' and pupils' confidence in our ability to safeguard and promote welfare.

We will try to resolve every concern or complaint in a positive way with the aim of putting right a matter which may have gone wrong and, where necessary, reviewing our systems and procedures in light of the circumstances.

**2.2 Policy statement:** We need to know as soon as possible if there is any cause for dissatisfaction. We recognise that a difficulty which is not resolved quickly and fairly can soon become a cause of resentment, which would be damaging to relationships and also to our culture. Parents and pupils should never feel (or be made to feel) that a complaint will be taken amiss or will adversely affect a pupil or his / her opportunities at this Academy. The policy, however, distinguishes between a concern or difficulty which can be resolved informally and a formal complaint which will require investigation.

## **3 Management of complaints**

**3.1 Complaints Co-ordinator:** The Headteacher or a delegated member of the Leadership Group will act as Complaints Co-ordinator to be responsible for the co-ordination and administration of the Complaints Procedure. The main responsibilities of the Complaints Co-ordinator are to:

- be the first point of contact while the matter remains unresolved and keep records
- co-ordinate the complaints procedures across the Academy
- arrange assistance for parents who require this, for example, because of a disability
- maintain an on-going training programme for all Academy employees in relation to complaints
- monitor the keeping, confidentiality and storage of records in relation to complaints
- report regularly to the Head with respect to complaints
- Refers matters of staff disciplinary issues to the Headteacher



**3.2 Complaints Form:** Every concern or complaint notified to a member of staff will be noted, together with the action taken, on a standard form. A sample of the form is attached to this policy in Appendix 1. This form can be made available in large print or other accessible format if required.]

## **4 Stage 1: concerns and difficulties**

**4.1 Concerns:** We expect that most concerns, where a parent or pupil seeks intervention, reconsideration or some other action to be taken, can be resolved informally. Examples might include a dissatisfaction about some aspect of teaching or pastoral care, or about allocation of privileges or responsibilities, or about a timetable clash or some other aspect of the Academy's systems or equipment. Complaints of discrimination, harassment or victimisation are taken very seriously and may need to be dealt with at Stage 2 without action at Stage 1.

**4.2 Notification:** If appropriate, please raise the concern initially with the class teacher or Pastoral Leader.

**4.3 Acknowledgement:** We will acknowledge a written notification by telephone, fax, email or letter within two Working Days of receipt during term time and as soon as practicable in the holidays. A matter raised orally will not necessarily be acknowledged in writing but a Complaints Form will be completed, and a copy sent to the Complaints Co-ordinator.

**4.4 Unresolved concerns:** A concern which has not been resolved by informal means within fifteen Working Days should be notified in writing as a formal complaint which will be dealt with in accordance with Stage 2 below.

## **5 Stage 2: formal complaint**

**5.1 Notification:** An unresolved concern under Stage 1, or a complaint which needs investigation, or a dissatisfaction with some aspect of the Academy's policies, procedures, management or administration should be set out in writing with full details and sent with all relevant documents and your full contact details in an envelope addressed to the Headteacher or to the Complaints Co-ordinator. Your complaint will be acknowledged by telephone, e-mail or letter within five School Days during term time, indicating the action that is being taken and the likely time scale. A Complaints Form will be completed and sent to the Complaints Co-ordinator.

**5.2 Investigation:** The Headteacher may ask a senior member of the Leadership Team to act as **Investigator** and / or may involve one or more Governors. The Investigator(s) may request additional information from you and will probably wish to speak to you personally, and to others who have knowledge of the circumstances.



The outcome of the investigation will be reported to the Headteacher who will then notify you by telephone, e-mail or letter of his/her decision and the reasons for it. Written records will be kept of all meetings and interviews held in relation to your complaint.

**5.3 Outcome:** The Headteacher's aim would be to inform any complainant of the outcome of an investigation and the resolution to the complaint within 28 School Days from the receipt of the complaint. Please note that any complaint received within one month of the end of term or half term is likely to take longer to resolve owing to the presence of school holidays and the unavailability of personnel.

## **6 Stage 3: reference to the Chair**

**6.1 Further steps:** If you are dissatisfied with the Headteacher's decision under Stage 2, your complaint may be renewed in writing to the Chair of the Governing Body. [ Please note that this is an optional stage. It may be more appropriate for your complaint to be referred to the Complaints Panel in which case you are invited to follow the procedure set out in section 7.]

**6.2 Notification:** You should write to the Chair within five School Days of receiving the Headteacher's decision. Your letter to the Chair should give full details of your complaint, indicating why you are dissatisfied with the decision by the Headteacher and enclose all relevant documents and your full contact details. Your letter will normally be acknowledged by telephone, e-mail or letter within five School Days during term time, indicating the action that is being taken and the likely time scale.

**6.3 Action by the Chair:** The Chair will arrange for your complaint to be investigated following procedures equivalent to those described in Stage 2 (above). When the Chair is satisfied that he/she has established all the material facts and relevant policies, so far as is practicable, he/she will notify you in writing of his/her decision and the reasons for it. He/she will aim to provide a response within Ten School Days of receiving your letter. If you are not satisfied with the Chair's decision, you may ask for the complaint to be referred to the Complaints Panel, by writing to the Academy (see paragraph 7.6 below).

## **7 Stage 4: reference to the Complaints Panel**

**7.1 A Complaints Panel (Panel) Hearing (the Hearing)** is a review of the decisions taken by the Headteacher [and the Chair]. The Panel will not consider any new areas of complaint which have not been previously raised as part of the complaints procedure.



**7.2 The role of the Panel:** Panel's task is to establish the facts surrounding the complaints that have been made by considering:

- the documents provided by both parties and
- any representations made by you, the Headteacher or the Chair.

7.3 If, after establishing the facts, the Panel consider that the complaint is made out, they will uphold the complaint. If the Panel consider that the complaint is not made out, they will dismiss the complaint. They will make these decisions on the balance of probabilities.

7.4 It is not within the powers of the Panel to make any financial award, nor to impose sanctions on staff, pupils, or parents. The Panel may make recommendations on these or any other issues to the Headteacher or to the full body of Governors as appropriate.

**7.5 Composition:** We have constituted a Complaints Panel comprising Academy Governor members and independent members who are independent of the governance, management and running of the Academy. The Panel may comprise of Governors from other Schools and Academies.

**7.6 Notification:** To request a Hearing before the Complaints Panel please write to the Complaints Coordinator within five School Days of the decision complained of. Your request will usually only be considered if you have completed the procedures at Stages 1 and 2 [and, where appropriate, Stage 3]. Please ensure that a copy of all relevant documents and your full contact details accompany your letter to the Complaints Coordinator. Please state in your letter the outcome that you desire and all the grounds of your complaint. Please also send the Complaints Coordinator a list of the documents which you believe to be in the Academy's possession and wish the Panel to see. The Complaints Coordinator will acknowledge your request in writing within five School Days. If you require assistance with your request, for example, because of a disability, please contact the Complaints Coordinator who will be happy to make appropriate arrangements.

**7.7 Convening the Panel:** The Complaints Coordinator will convene the Complaints Panel as soon as reasonably practicable, but the Panel will not normally sit during half terms or school holidays. The Panel will consist normally of a minimum of three individuals who have no detailed prior knowledge of the circumstances of the complaint. One member of the Panel will be an independent member. You may ask the Complaints Coordinator to tell you who has been appointed to sit on the Panel.



**7.8 Notice of Hearing:** Every effort will be made to enable the Panel Hearing to take place within ten School Days of the receipt of your request. As soon as reasonably practical and in any event, at least five School Days before the Hearing, the Complaints Coordinator will send you written notification of the date, time and place of the Hearing, together with brief details of the Panel members who will be present.

**7.9 Attendance:** You will be invited to attend the Hearing and may be accompanied by one other person such as a relative, teacher, or friend. It is not necessary for that person to be legally qualified but if you do wish to be accompanied by a legally qualified person, acting in their professional capacity, please notify the Complaints Coordinator at least seven School Days before the Hearing. Your child aged thirteen and above may attend part or all of the Hearing at the discretion of the Chair. Copies of additional documents you wish the Panel to consider should be sent to the Complaints Coordinator at least three clear School Days prior to the Hearing.

**7.10 Chair:** The Hearing will be chaired by one member of the Panel (chosen by themselves) and will be conducted in an informal manner.

**7.11 Hearing:** All statements made at the Hearing will be unsworn. All present will be entitled, should they wish, to write their own notes for reference purposes. A handwritten minute of the proceedings will be taken during the Hearing.

**7.12 Evidence:** The Chair will conduct the Hearing in such a way as to ensure that all those present have the opportunity of asking questions and making comments in an appropriate manner. The Hearing is not a legal proceeding and the Panel shall be under no obligation to hear oral evidence from witnesses but may do so and / or may take written statements into account.

**7.13 Conduct:** All those attending the Hearing are expected to show courtesy, restraint and good manners or, after due warning, the Hearing may be adjourned or terminated at the discretion of the Chair. If terminated, the original decision will stand. Any person who is dissatisfied with any aspect of the way the Hearing is conducted must say so before the proceedings go any further and his / her comment will be minuted.

**7.14 Adjournment:** The Chair may, at his / her discretion, adjourn the Hearing for further investigation of any relevant issue. This may include an adjournment to take legal advice.



**7.15 Decision:** After due consideration of the matters discussed at the Hearing, the Panel shall reach a decision unless there is an agreed position. The Panel's decision, findings and any recommendations may be notified orally at the Hearing or subsequently and shall be confirmed in writing to you by email where appropriate within seven School Days. If you do not wish to receive the decision by email, a copy will be given or posted to you. The decisions, findings and any recommendations will be available for inspection on the Academy premises by the Governing Body and the Headteacher. Reasons for the decision will be given. The decision may include recommendations and will be sent to you, the Chair of the Governing Body, the Headteacher and, where relevant, any person about whom the complaint has been made.

**7.16 Private proceeding:** A Hearing before the Complaints Panel is a private proceeding. No notes or other records or oral statements about any matter discussed in or arising from the proceeding shall be made available directly or indirectly to the press or other media.

**7.17 Confidentiality:** A written record will be kept of all complaints, and of whether they are resolved at Stage 1 or proceed to a panel Hearing. The number of complaints registered under the formal procedure during the preceding school year will be supplied to parents on request.

**7.18 Correspondence, statements and records relating to individual complaints will be kept confidential except to the extent required by paragraph 25(k) of schedule 1 to the Education (Independent School Standards) (England) Regulations (SI 2010/1997), that is where access is requested by the Secretary of State or where disclosure is required in the course of the Academy's inspection or under other legal authority. In accordance with data protection principles, details of individual complaints will normally be destroyed following each inspection. In exceptional circumstances, some details will be retained for a further period as necessary.**

**7.19** If you are dissatisfied with the decision of the Complaints Panel, you can complain to the Department of Education DfE - <https://www.gov.uk/complain-about-school>

## **8 Unreasonable Behaviour by Complainants**

If a complainant acts in an unreasonable manner, for example:

- taking actions that are out of proportion to the nature of the complaint
- pursuing a complaint in an unacceptable manner by using threatening, intimidating or abusive language or behaviour
- continuing to pursue a complaint once the complaints procedure has been exhausted



The Headteacher/ Chair of the Governing Body may inform the complainant that their behaviour is unacceptable and take any action appropriate to limit the impact of the complainant's behaviour on the Academy, its staff and its representatives. This could ultimately include limiting the complainant's contact with the Academy to written communication with a named individual unless in an emergency.

### **Data Protection Act 1998**

The personal data that you provide will be used for the purposes of investigating your complaint and for producing statistical data to enable the school's management to monitor the effectiveness of the school's complaint procedure. The information you give will be held securely and in confidence.

**Circulation** Governors / all staff / parents/ published on the Academy's website, on request

**Status** Complies with paragraph 25 of the schedule to the Education (Independent Schools Standards) (England) Regulations 2010 (SI 2010/1997)



### Appendix 2 Complaints form

This form is to be completed by any member of staff who receives a complaint or a parent who wishes to make a complaint. It should be passed to the Complaints Co-ordinator.

<b>What is the nature of the complaint?</b> (Please tick below)	
<input type="checkbox"/> Staff conduct (refer to Headteacher)	<input type="checkbox"/> Parental conduct
<input type="checkbox"/> Teaching standards	<input type="checkbox"/> Pastoral care
<input type="checkbox"/> Condition of premises	<input type="checkbox"/> Timetabling
<input type="checkbox"/> Matters of regime and routine	<input type="checkbox"/> Access to or regulation of extra curricular activities
<input type="checkbox"/> Other (please give details)	
<b>Please give details of the complaint:</b>	
Date[s] of incident	Time[s]
<b>If the complaint is about someone's behaviour please give the names of any witnesses to the incident[s]</b>	
<b>Action taken:</b>	
<b>Name</b>	<b>Position (staff or Parent)</b>
<b>Signed</b>	<b>Date</b>



## **POLICY ON UNREASONABLY PERSISTENT COMPLAINANTS**

West Coventry Academy recognises that, mostly, its formal complaints procedure is the last resort for complainants seeking to resolve an issue. The School is also aware that it is accountable for the proper use of public money and must ensure that that money is spent wisely and achieves value for complainants and the wider public.

West Coventry Academy is committed to dealing with all complaints fairly and impartially and to providing a high quality service to those who make them. As part of this service it does not normally limit the contact complainants have with school employees. However, there are a small number of complainants who, because of the frequency of their contact, hinder our consideration of their, or other people's complaints. We refer to such complainants as 'unreasonably persistent complainants' and, exceptionally, we will take action to limit their contact with our offices.

The decision to restrict access to our offices and/or site will be taken by the Headteacher and Chair of Governors. This decision will normally follow a prior warning to the complainant. Any restrictions imposed will be appropriate and proportionate, as determined by the Headteacher and Chair of Governors. The options we are most likely to consider are:

- requesting contact in a particular form (for example, letters only)
- requiring contact to take place with a named member of staff
- restricting telephone calls to specified days and times; and/or
- asking the complainant to enter into an agreement about their future contacts with us

In all cases where we decide to treat someone as an unreasonably persistent complainant, the Headteacher and Chair of Governors will write to tell the complainant why we believe his or her behaviour falls into that category, what action we are taking and the duration of that action. We will also tell the complainant how they can challenge the decision if they disagree with it.

When a complainant whose case is closed persists in communicating with us about it, we may decide to terminate contact with that complainant. In such cases, we will read all correspondence from that complainant, but unless there is fresh evidence which affects our decision on the complaint we will simply acknowledge it or place it on the file with no acknowledgement.

New complaints from people who have come under the unreasonably persistent complainant's policy will be treated on their merits.