



**THE MISBOURNE**  
INSPIRING MINDS • BROADENING OPPORTUNITIES

# COMPLAINTS AND RESOLUTION PROCEDURE

## **Executive Summary:**

- Update to terminology – Trustees, Trustee Board, Academy
- Incorporated sections from The Key model policy:
  - Legislation and guidance
  - The section formerly known as ‘Areas not covered by this procedure’ replaced by a more succinct ‘scope’ section
  - Roles and responsibilities
  - Investigation
  - Timescales
  - Review panel
  - Complaints against the Headteacher, a trustee or Trustee board
  - Updated section on referring complaints
  - Persistent complaints (including duplicate and campaign complaints)

Reviewed by: Jo Meloni, Headteacher

Date Reviewed: December 2020

Date Approved by Trustees: December 2020

Review Date: December 2023

## Contents

Introduction .....	3
Aims and Objectives.....	3
Areas not covered by this procedure.....	3
Stage 1 – Initial Concerns.....	5
Stage 2 – Formal Procedure.....	5
Stage 3 – Hearing by a Panel.....	5
Monitoring and Review.....	8
Flowchart Summary .....	8
Appendix One - Complaint Form .....	13
Appendix Two - At The Panel Hearing .....	15

## Introduction

Our trustee board has adopted this procedure to deal with concerns or complaints from members of the Academy community or general public.

## Aims and Objectives

Our Academy aims to be fair, open and honest when dealing with any complaint and to resolve it through open dialogue and mutual understanding. Our academy aims to meet its statutory obligations when responding to complaints from parents of pupils at the academy, and others.

Careful consideration will be given to all concerns and complaints and we will deal with them as swiftly as possible. We will provide sufficient opportunity for any complaint to be fully discussed.

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect complainants' desire for confidentiality
- Treat complainants with respect and courtesy
- Ensure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into academy improvement evaluation processes

In all cases we will put the interests of the child above all other issues.

## Legalisation and Guidance

This document meets the requirements set out in part 7 of the schedule to [the Education \(Independent School Standards\) Regulations 2014](#), which states that we must have and make available a written procedure to deal with complaints from parents of pupils at the academy.

It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on [creating a complaints procedure that complies with the above regulations](#), and refers to [good practice guidance on setting up complaints procedures](#) from the Department for Education (DfE).

## Definitions and Scope

The DfE guidance explains the difference between a concern and a complaint:

- A **concern** is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”
- A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”

## Scope

The school intends to resolve complaints informally where possible, at the earliest possible stage.

There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

This policy does **not** cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline

All other complaints are handled by the Academy according to the arrangements set out below.

### **Stage 1 – Initial concerns**

If you have any concerns about the Academy, or the education we are providing at any time, please discuss the matter with your child's Head of School or Deputy Headteacher at the earliest opportunity.

It is **not** appropriate to publicise any concerns you may have on social networking sites. Please speak, or write, to someone at the Academy at your earliest convenience, rather than using any other means.

The Academy considers any concerns very seriously and most problems can be resolved following discussion and a shared understanding of the issues. All members of staff work very hard to ensure that each child is happy at the Academy and is making good progress and they always want to know if there is a problem so they can help to resolve it.

Most concerns can be resolved at this level, however, if after speaking to your child's Head of School or the Deputy Headteacher you are still concerned please discuss the matter with the Headteacher.

### **Stage 2 – Formal procedure**

Most concerns are resolved at Stage 1, however if you remain dissatisfied and wish to take the matter further you can let us know in person, by telephone or in writing.

There is a complaint form (Appendix 1) attached to this procedure which can be helpful to complete. The aim of the form is to give us as clear an understanding as possible of your complaint and includes a section on what actions you feel would resolve the problem.

If you would like support in completing the form from someone unconnected with the complaint, please let us know and we would be happy to organise this for you.

If you are making your complaint in writing, it should be returned to the Headteacher. However, if the complaint is about the Headteacher or a trustee, it should be returned to the chair of the trustee board at the Academy address, marking the envelope 'FOR IMMEDIATE ATTENTION'. If your complaint is about the chair of the trustee board, your completed form should be returned to the Clerk of the trustee board.

You will receive an acknowledgement of the receipt of your complaint within 5 working days.

### **Stage 3 – Hearing by a Panel**

At this stage the complaint will be considered by a panel of two trustees and a person who is independent of the management and running of the academy who will meet to consider the complaint and make a final decision about it on behalf of the Trustee Board.

Panel members will have no detailed prior knowledge of the complaint, or connection with the complainant. The meeting will normally take place within 15 working days of your request.

You will have the opportunity to submit evidence on the complaint prior to the meeting of the panel and also to attend, accompanied by a friend/partner if you wish, to put your case. The Headteacher will be given the same opportunities. Appendix 2 outlines the process that will be followed at a panel hearing.

## **Roles and Responsibilities**

### **The complainant**

The complainant will get a more effective and timely response to their complaint if they:

- Follow these procedures
- Co-operate with the academy throughout the process, and respond to deadlines and communication promptly
- Ask for assistance as needed
- Treat all those involved with respect
- Not publish details about the complaint on social media

### **The investigator**

An individual will be appointed to look into the complaint and establish the facts. They will:

- Interview all relevant parties, keeping notes
- Consider records and any written evidence and keep these securely
- Prepare a comprehensive report to the Headteacher or complaints committee which includes the facts and potential solutions

### **Clerk to the trustee board**

The clerk will:

- Be the contact point for the complainant and the complaints committee, including circulating the relevant papers and evidence before complaints committee meetings
- Arrange the complaints hearing
- Record and circulate the minutes and outcome of the hearing

### **Committee chair**

The committee chair will:

- Chair the meeting, ensuring that everyone is treated with respect throughout
- Make sure all parties see the relevant information, understand the purpose of the committee, and are allowed to present their case

## **Investigation**

An investigation will be carried out into the complaint and the way it has been handled by the Academy. This will include a review of any relevant documentation and information and seeking the views of relevant people, where necessary. The person undertaking the investigation will normally write to you with the outcome of this process within 15 working days of receiving the complaint.

If, at any time, it becomes apparent that the complaint is a disciplinary or capability issue, the matter will be dealt with by following the appropriate procedure rather than the complaints procedure. You will be notified if this is the case with your complaint, however, you are not entitled to know which procedure, or the final outcome, because of the right to confidentiality of the member of staff involved.

Following the outcome of the investigation, if you feel your concern has not been resolved, you may choose to move to Stage 3 of the procedure. You must let the Academy know if you wish to do this within 15 working days of the completion of Stage 2.

### **Time scales**

The complainant must raise the complaint within 3 months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident.

We will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

When complaints are made out of term time, we will consider them to have been received on the first school day after the holiday period.

If at any point we cannot meet the time scales we have set out in this policy, we will:

- Set new time limits with the complainant
- Send the complainant details of the new deadline and explain the delay

### **Review panel**

Complaints will be escalated to the panel hearing stage if the complainant is not satisfied with the response to the complaint at the second, formal, stage.

The panel will be appointed by or on behalf of the proprietor and must consist of at least 3 people who were not directly involved in the matters detailed in the complaint. At least 1 panel member must be independent of the management and running of the academy. The panel cannot be made up solely of trustee board members, as they are not independent of the management and running of the academy.

The panel will have access to the existing record of the complaint's progress (see section 10).

The complainant must have reasonable notice of the date of the review panel; however, the review panel reserves the right to convene at their convenience rather than that of the complainant. At the review panel meeting, the complainant and representatives from the academy, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant must be allowed to attend the panel hearing and be accompanied if they wish.

At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called, as appropriate, to present their evidence.

The panel, the complainant and the academy representative(s) will be given the chance to ask and reply to questions. Once the complainant and academy representative(s) have presented their cases, they will be asked to leave and evidence will then be considered.

The panel will then put together its findings and recommendations from the case. The panel will also provide copies of the minutes of the hearing and the findings and recommendations to the complainant and, where relevant, the individual who is the subject of the complaint, and make a copy available for inspection by the proprietor and Headteacher.

The academy will inform those involved of the decision in writing within [number] school days.

## **Outcome of the Panel Hearing**

The panel will write to you with its conclusion within 5 working days of the meeting, and its decision is final.

## **Monitoring and Review**

The Trustee Board monitors the complaints procedure, in order to ensure that all complaints are handled properly. The Headteacher logs all formal complaints received by the Academy and records how they were resolved. Trustees examine this log on an annual basis and consider the need for any changes to the procedure.

This policy will be reviewed when there are changes in the law, or annually if there is a requirement. This policy will be promoted and implemented throughout the Academy.

All policies are reviewed at least every three years to ensure implementation and effectiveness.

## **Complaints against the Headteacher, a trustee or the trustee board**

### **Stage 1: informal**

Complaints made against the Headteacher or any member of the trustee board should be directed to the clerk to the trustee board in the first instance.

If the complaint is about the Headteacher or one member of the trustee board (including the chair or vice-chair), a suitably skilled and impartial trustee will carry out the steps at stage 1 (set out in section 6 above).

### **Stage 2: formal**

If the complaint is jointly about the chair and vice-chair, the entire trustee board or the majority of the trustee board, an independent investigator will carry out the steps in stage 2 above. They will be appointed by the trustee board and will write a formal response at the end of their investigation.

### **Stage 3: review panel**

If the complaint is jointly about the chair and vice-chair, the entire trustee board or the majority of the trustee board, a committee of independent trustees or governors will hear the complaint. They will be sourced from local schools or local authority and will carry out the steps at stage 3 above.

## **Referring complaints on completion of the academy's procedure**

If the complainant is unsatisfied with the outcome of the academy's complaints procedure, they can refer their complaint to the ESFA. The ESFA will check whether the complaint has been dealt with properly by the academy. The ESFA will not overturn the academy's decision about a complaint.

However, it will look into:

- Whether there was undue delay, or the academy did not comply with its own complaints procedure
- Whether the academy was in breach of its funding agreement with the secretary of state

- Whether the academy has failed to comply with any other legal obligation

If the academy did not deal with the complaint properly, it will be asked to re-investigate the complaint. If the academy's complaints procedure is found to not meet regulations, the academy will be asked to correct its procedure accordingly.

For more information or to refer a complaint, see the following webpage:

<https://www.gov.uk/complain-about-school>

We will include this information in the outcome letter to complainants.

## **Persistent complaints**

### **Unreasonably persistent complaints**

Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:

- Has made the same complaint before, and it's already been resolved by following the academy's complaints procedure
- Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
- Knowingly provides false information
- Insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure
- Pursues a valid complaint, but in an unreasonable manner e.g. refuses to articulate the complaint, refuses to co-operate with this complaints procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the time frames it sets out
- Changes the basis of the complaint as the investigation goes on
- Makes a complaint designed to cause disruption, annoyance or excessive demands on academy time
- Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value.

### **Steps we will take**

We will take every reasonable step to address the complainant's concerns and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal (as outlined above) wherever possible.

If the complainant continues to contact the academy in a disruptive way, we may put communications strategies in place. We may:

- Give the complainant a single point of contact via an email address
- Limit the number of times the complainant can make contact, such as a fixed number per term
- Ask the complainant to engage a third party to act on their behalf, such as Citizens Advice
- Put any other strategy in place as necessary

### **Stopping responding**

We may stop responding to the complainant when all of these factors are met:

- We believe we have taken all reasonable steps to help address their concerns
- We have provided a clear statement of our position and their options
- The complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience

Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from our academy site.

### **Duplicate complaints**

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account.

If we are satisfied that there are no new aspects, we will:

- Tell the new complainant that we have already investigated and responded to this issue, and the local process is complete
- Direct them to the DfE if they are dissatisfied with our original handling of the complaint

If there are new aspects, we will follow this procedure again.

### **Complaint campaigns**

Where the academy receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the academy, the academy may respond to these complaints by:

- Publishing a single response on the academy website
- Sending a template response to all of the complainants

If complainants are not satisfied with the academy's response, or wish to pursue the complaint further, the normal procedures will apply.

### **Learning lessons**

The trustee board will review any underlying issues raised by complaints with the Headteacher where appropriate, and respecting confidentiality, to determine whether there are any improvements that the academy can make to its procedures or practice to help prevent similar events in the future.

### **Monitoring arrangements**

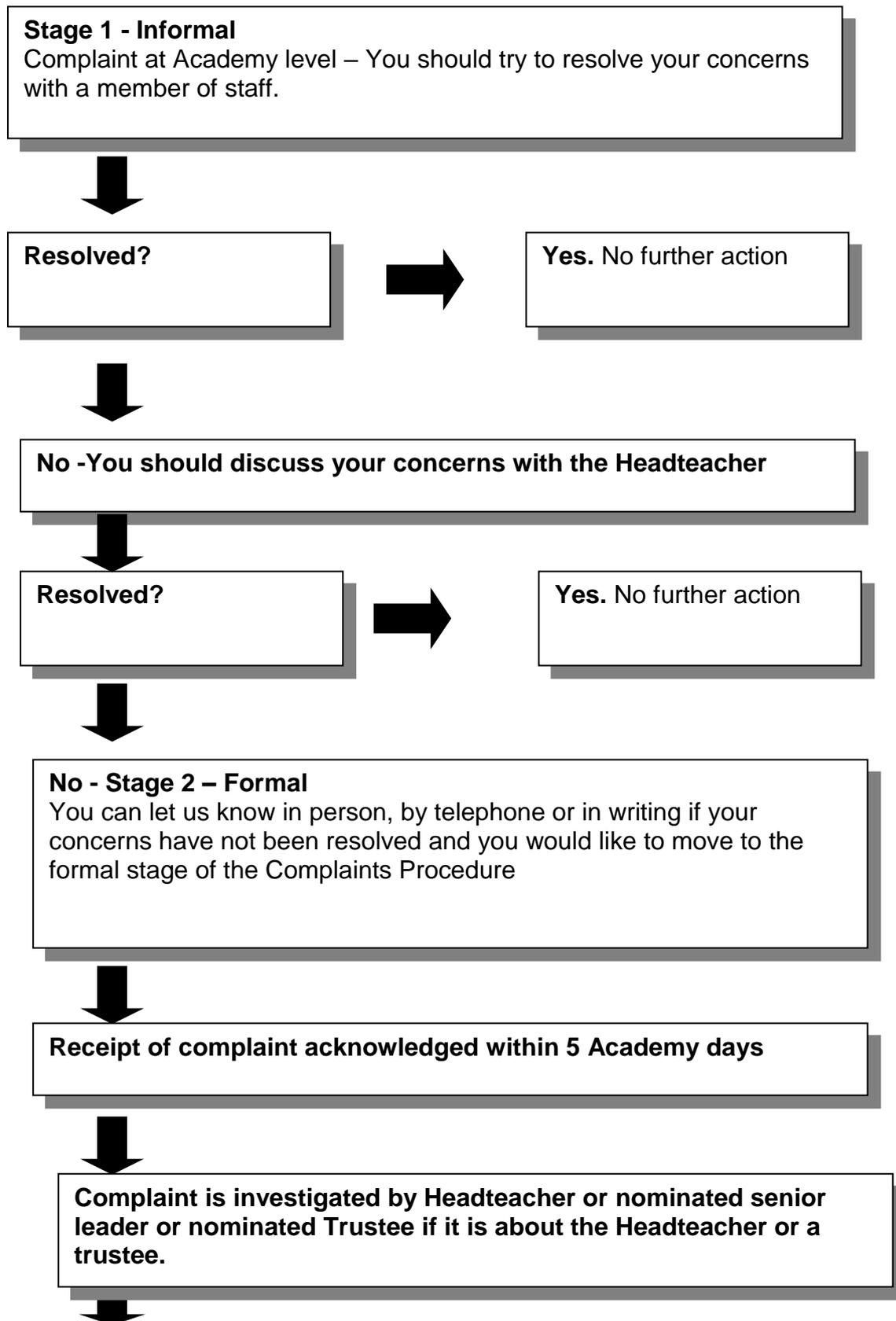
The trustee board will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The [trustee board will track the number and nature of complaints and review underlying issues.

The complaints records are logged and managed by the PA to the Headteacher.

This policy will be reviewed by the Headteacher every at least once every 3 years. At each review, the policy will be approved by the full trustee board.

## Flowchart Summary\*

\* Please refer to the procedure for more detailed information.





**You will be informed of the outcome of the investigation within 15 Academy days of receiving the complaint.**



**Resolved?**



**Yes. No further action**



No - If you wish to take your complaint to Stage 3 of the procedure you will be asked to confirm this within 15 Academy days of the completion of Stage 2.



Trustee Complaints Panel meets to consider your complaint with 15 Academy days. If you wish to submit evidence to the panel you will be invited to do so in advance of the meeting. You will also be invited to attend the panel meeting to explain the nature of your complaint



Panel will make a final decision on behalf of the Trustee Board and writes to you within 5 Academy days



**Resolved?**



**Yes. No further action**



No - You can write to the Secretary of State of Education and Skills if you feel the Academy has acted unreasonably or not followed the correct procedures.

## Appendix One - Complaint form

Please complete and return to the Headteacher (or Chair of Trustees if the complaint concerns the Headteacher or a Trustee), care of the PA to the Headteacher [HeadsPA@themisbourne.co.uk](mailto:HeadsPA@themisbourne.co.uk) who will acknowledge receipt and explain what action will be taken.

Your name:

Student's name:

Your relationship to the student:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

Please give concise details of your complaint, including dates, names of witnesses etc, to allow the matter to be fully investigated

What action, if any, have you already taken to try and resolve your complaint.  
(Who did you speak to/write to and what was the response)?

**What actions do you feel might resolve the problem at this stage?**

**Are you attaching any paperwork? If so, please give details.**

Signature:

Date:

**Official use**

Date acknowledgement sent:

By whom:

Complaint referred to:

Date:

## **Appendix Two - At the panel hearing**

- After introductions, the complainant will be invited to explain their complaint, and be followed by their witnesses (if any).
- The Headteacher/Chair of Trustees may question both the complainant and the witnesses after each has spoken.
- The Headteacher/Chair of Trustees is then invited to explain the Academy's actions and be followed by the Academy's witnesses (if any).
- The complainant may question both the Headteacher/Chair of Trustees and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The Headteacher/Chair of Trustees is then invited to sum up the Academy's actions and response to the complaint.
- The Chair of the panel explains that both parties will hear from the panel within five Academy days.
- Both parties leave together while the panel decides on the issues.
- The clerk remains to support the panel.