



Complaints Procedure

The Hathaway Academy

Policy reviewed by Academy Transformation Trust on	December 2013
Policy adopted by Local Governing Body on	January 2014

This policy links to:	<i>Located</i>
<ul style="list-style-type: none"> • Whistle Blowing Policy • Child Protection Procedure 	Website

REVIEW DATE: December 2016

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1 Introduction

- 1.1 Academy Transformation Trust (The Trust) aims to deal positively with all complaints, from whatever source. The Trust views complaints as an opportunity to re-examine its systems and services and, through feedback to the complainant, show that it is responsive to their concerns.

2 Scope

- 2.1 This policy is for use by parents/carers and community members. Staff should refer to the Whistle Blowing Policy or internal procedures.
- 2.2 Complaints received under this procedure may be addressed under an alternative policy/procedure e.g. complaints about alleged child abuse will be addressed through the Child Protection Procedure.
- 2.3 Our complaints procedure is split into four stages.
- 2.4 Complaints should progress through the stages in order. Where a complaint is received at Stage 2 or 3 and has not been through the process outlined in Stage 1 or 2; the person in receipt of the complaint is responsible for ensuring that resolution is sought at the earlier stage, in the first instance.
- 2.5 In exceptional circumstances, a complaint may enter the process at Stage 2 or 3, but it is at the digression of the Chair of Governors/Principal/Parent Advocate.
- 2.6 The four stages are:
- Stage 1 – Informal
 - Stage 2 – Formal
 - Stage 3 – Appeal
 - Stage 4 – Review

3 Definitions

- 3.1 Receipt of a complaint means the date an e-mail is opened by the recipient for an e-mail complaint or the date a letter is opened. If a response has not been received within the timescales specified in this policy, the complainant should check that their complaint has been received.
- 3.2 Working Days are defined as Monday to Thursday 9.00– 5.00pm and Friday 9.00–3.30pm.

4 Stage 1 – Informal

- 4.1 Many concerns will be dealt with informally. Complaints should be addressed to the person closest to the situation. This will usually be:
- Class Teacher
 - Progress Leader / Faculty
 - Principal
- 4.2 The person who receives a complaint is responsible for ensuring that all details are noted including: date received, complainant's name, contact details for the complainant, and the complaint itself, and for ensuring that the complaint is passed to the appropriate person to address, if not themselves.
- 4.3 Acknowledgement is assumed for verbal complaints. Written complaints should be acknowledged in writing within 5 working days of receipt.
- 4.4 When a complaint is received the complainant should be advised what the next step is and provided with a copy of the complaints pamphlet.
- 4.5 Often informal complaints will be addressed at a meeting; however it may be appropriate to respond in writing, without the need for a meeting.
- 4.6 Meetings to discuss informal complaints should be with the relevant member of staff and cover:
- The nature of the concern
 - What happened to cause the concern
 - What action the complainant is seeking to address their concern.
- 4.7 Notes should be taken in case they wish to progress their complaint. The notes should include details of the complaint, the date and time of the meeting and the proposed solution.
- 4.8 Informal complaints should be addressed within 10 working days of receipt of the complaint.
- 4.9 Where it is not possible to respond to a complaint or meet with the complainant within 10 working days, the complainant should be advised why it has not been possible and provided with a revised meeting date or date for responding to their concern.
- 4.10 Where the nature of the complaint is such that it must be addressed under an alternative policy e.g. Disciplinary Procedure, the complainant will be advised in writing that this is the case. They should be sent a copy of the policy which will be used to address their complaint and informed that there will be no further action taken under this policy. The complainant should be advised when/if to expect any updates on progress.

- 4.11 If the complainant is not satisfied with the proposed solution and further informal meetings and correspondence to reach a resolution are not possible, or have not been successful, the complainant should write a formal letter of complaint (see Stage 2).

5 Stage 2 – Formal

- 5.1 Formal complaints should be submitted in writing to the Principal or if the complaint is about the Principal to the Chair of Governors.
- 5.2 Before proceeding with the formal stage, the Principal (Chair of Governors) should ensure that the complainant has sought a resolution at the informal stage. If the complainant has not sought a resolution at the informal stage, then the procedure in Stage 1 should be followed by the Principal (Chair of Governors). There are however, occasions where it may be appropriate to skip Stage 1 of this procedure, which is at the discretion of the Principal (Chair of Governors).
- 5.3 On receipt of a formal complaint, the Principal (Chair of Governors) should write to the complainant within 5 working days acknowledging receipt and advising them on when they will receive a full response. A copy of the Complaints Procedure should be included with the response. Academy Transformation Trust aims to respond to all formal complaints within 10 working days, however more complex complaints will take longer to investigate and a full response could take anything up to 1 month.
- 5.4 All formal complaints should be investigated. The Principal (Chair of Governors) may delegate the investigation to another member of staff (Governor) that has not been involved at the informal stage of the complaint. Following the investigation a formal report should be written, including a conclusion and recommendations. The conclusion and recommendation may be that the complaint should be addressed under an alternative policy e.g. Disciplinary Procedure.
- 5.5 Following the investigation the Principal (Chair of Governors) should then write to the complainant advising them of the conclusion and recommendations. Where action is being taken to address the complaint the complainant should be advised when/if to expect any updates on progress.
- 5.6 If the complainant is not satisfied with the proposed solution and further discussion/correspondence with the Principal (Chair of Governors) does not result in a resolution, the complainant should contact the Academy Transformation Trust Parent Advocate (see Stage 3).

6 Stage 3 – Appeal

- 6.1 If the complainant is not satisfied with the response to their formal complaint then they should contact the Academy Transformation Trust Parent Advocate. Contact can be made by phone, e-mail or post.
- 6.2 If the complaint is received in writing the Parent Advocate will respond within 5 days of receipt, to acknowledge the complaint. Notes of phone conversations will be recorded, including the time, date, complainant's details and what the complaint is about.
- 6.3 The Parent Advocate will ensure that the procedure has been followed correctly at the informal and formal stage. Where this is not the case, the Parent Advocate will seek a resolution at an earlier stage in the first instance.
- 6.4 If the procedure at the informal and formal stage has been followed correctly, the Parent Advocate will establish a Complaints Panel to consider the complaint.
- 6.5 The Parent Advocate will advise the complainant of the date, time, location and membership of the Complaints Panel at least 5 working days in advance of the Panel meeting.
- 6.6 The Complaints Panel will include at least one person who is independent of the management of the academy (i.e. not a Governor or Academy Transformation Trust employee), and all members of the Complaints Panel must have had no prior involvement in the complaint. The Panel will usually have the following members:
 - Two academy Governors
 - A Governor from another Academy Transformation Trust academy.
- 6.7 The Complaints Panel should be convened as soon as possible and will usually take place within 15 days of receipt of a complaint; however it could take anything up to 1 month.
- 6.8 The Complaints Panel meeting will follow the format of the agenda included in appendix 1.
- 6.9 The Complaints Panel meeting will be minuted and a copy of the minutes along with a letter advising the complainant of the outcome of the meeting will be sent to the complainant within 10 working days of the meeting. The decision of the Complaints Panel is final. The letter will include details of where to find the Department for Education's School Complaints Form for use by the complainant if they consider that this Complaints Procedure has not been followed correctly.

7 Stage 4 - Review

- 7.1 The Department for Education will consider complaints about academies if they fall into any of the following three areas:
- Where there is undue delay or the academy did not comply with its own complaints procedure when considering a complaint
 - Where the academy is in breach of its funding agreement with the Secretary of State
 - Where an academy has failed to comply with any other legal obligation.
- 7.2 The Department for Education will not overturn an academy's decision about a complaint. However if it is found that the academy did not deal with a complaint properly the academy will be required to look at the complaint again from the appropriate stage following a procedure in line with current regulations.

8 Unreasonably Persistent Complaints

- 8.1 Complaints will be treated as unreasonably persistent if the above procedure has been exhausted and the complainant meets one or more of the below criteria:
- Submits multiple complaints which focus on trivial matters
 - Continually changes the substance of a complaint or raises new concerns whilst the original complaint is being addressed
 - Is unwilling to accept documented evidence in response to a complaint
 - Does not clearly identify the issues which they wish to be investigated
 - Threatens or uses physical violence towards staff
 - Subjects staff to verbal abuse or harassment.
- 8.2 Where a complainant meets the above criteria the Chair of Governors should write to the complainant advising them that they have met the criteria for unreasonably persistent complaints, and therefore any further complaints will be acknowledged but not answered. In the case of violence or harassment towards staff, the complainant should also be advised of the consequences should they persist to act in this manner. A copy of the Complaints Procedure and pamphlet should be included with the letter, and a copy of the letter sent to the Parent Advocate.
- 8.3 Once complainants have been determined as unreasonably persistent there needs to be a mechanism for reviewing and possibly withdrawing this status at a later date if, for example, complainants subsequently demonstrate a more reasonable approach or if they submit a further new complaint for which the normal complaints procedure would appear appropriate.

Appendix 1

Agenda

The Hathaway Academy

Name of Complainant: _____

Complaints Panel:

Date:

Time:

Location:

Present:	Apologies:
Name	Title
	Panel Member 1
	Panel Member 2
	Panel Member 3
	Complainant
	Complainants Companion
	Academy Representative

Part	Item	Resp
1	Introduction and Meeting Procedure	Chair
2	Complaint: <ul style="list-style-type: none"> • Summary of complaint • Questions to the complainant by the Panel • Representations from the academy representative • Questions to the academy representative • Summing up from the complainant • Summing up from the academy representative • Withdrawal of the academy representative, complainant and any companions • Consideration of the case by the Panel • Return of academy representative, complainant and any companions • Decision of the Panel 	Chair
3	Close	

	Supporting documentation provided with agenda
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