



Chilton Academy Complaints Policy

This Policy is based on guidance for dealing with school complaints issued by the Department for Education.

A full version of the Department for Education's guidance document can be found on the DfE website – www.education.gov.uk

It includes information and procedures on the following areas:

- Legislation
- General Principles
- Investigating Complaints
- Resolving Complaints
- Vexatious Complaints
- Time Scales
- Formal Complaint Procedure
- Stage 1
- Stage 2
- Stage 3
- Managing & Recording Complaints
- Escalation following stage 3

LEGISLATION

Section 29 of the Education Act 2002 requires every maintained school to establish a procedure for dealing with complaints relating to the school and to publicise the procedure. Section 39 of the Education Act 2002 defines a maintained school as being a community, foundation or voluntary school, a community or foundation special school or a maintained nursery school (a nursery school which is maintained by a local education authority and is not a special school).

GENERAL PRINCIPLES

Schools must adopt a three-stage process for dealing with formal complaints. The three stages are:

- Stage 1 – complaint heard by member of staff
- Stage 2 – complaint heard by Head Teacher
- Stage 3 – complaint heard by Governing Bodies complaint appeal panel.

Every effort should be made to resolve a complaint informally in the first instance, without the need to invoke the formal complaints procedure. In most cases this can be achieved by a discussion between the class teacher and the complainant.

Schools should consider nominating a member of staff to be the school's 'complaints co-ordinator'. Mrs Samways is the school's 'complaints co-ordinator' and is responsible for the following:

- Acknowledging receipt of the complaint
- Effective recording of all complaints received
- Monitoring responses
- Ensuring responses are made within a reasonable timescale
- Identify trends and themes arising from complaints
- Report same to school's senior management team

If the complaint is against the Mrs Samways, the complaint is to be addressed to the Head Teacher.

All schools should have an easily accessible complaints procedure. Any existing procedure should be reviewed to ensure it complies with this guidance. This procedure must:

- Encourage informal resolution
- Be easily accessible, publicised and included on the school web site
- Be simple to understand and use
- Be impartial and non-adversarial
- Allow swift handling and establish timescales for dealing with the complaint
- Ensure a full and fair investigation by an independent person if necessary
- Maintain confidentiality of all involved
- Address all points of complaint, provide an effective response and offer appropriate redress where appropriate
- Provide information to the school's senior management team so that services can be improved

Investigating Complaints

- The person investigating the complaint should ensure they:
- Establish what has happened to date and who has been involved
- Clarify the nature of the complaint and what remains unresolved
- Meet with the complainant or contact them to verify information provided or gain further information

- Clarify what the complainant feels would resolve issues – establish desired outcomes
- Interview those subject of, and involved in, the complaint (interviewees may be accompanied if they so wish)
- Conduct the interview with an open mind and be prepared to persist in the questioning
- Keep notes of all interviews

Resolving complaints

- The following can be used in an attempt to resolve a complaint if it is found to be appropriate:
 - An acknowledgement that the complaint was justified – this can include an outcome of upheld or partially upheld.
 - Please note that unjustified complaint outcomes will be not upheld or unable to substantiate
 - An apology
 - An explanation
 - An admission that the situation could have been handled better or differently
 - An assurance that the reason for the complaint will not recur
 - An explanation of the steps taken to ensure there will be no recurrence
 - An undertaking to review a school policy or procedure as a result of the outcome of a complaint

Vexatious complaints

Implementation and adherence to the model complaints procedure should reduce the number of complaints that become protracted or vexatious. If a complainant tries to reopen the same issue the Chair of the Governing Body should write to the complainant explaining that the complaint has been through all stages of the procedure, is now exhausted and the matter is now closed.

Time Scales

Complaints should be acknowledged, investigated and resolved as soon as possible. The complainant should be notified of the anticipated timescales for dealing with the complaint when receipt of the complaint is acknowledged.

Timescales for Chilton Academy are:

- Reply from the complaints co-ordinator-7 working days from receipt of the complaint.

- A meeting of the Complaints panel to be arranged within 21 working days of the receipt of the complaint.
- Reply from the Complaints Panel-15 working days from the meeting date of the panel.

FORMAL COMPLAINTS PROCEDURE

All schools should adopt a three-stage procedure for dealing with complaints. There should not be a stage 4 (referral to the local education authority) and any reference to this should be removed from existing complaint procedures. The local authority may only become involved in school related complaints where the complaint involves school admissions & allocations, school transport, some aspects of Special Educational Needs, school exclusions, the curriculum or religious worship.

Stage 1 – Complaint heard by staff member (e.g. teacher or Head of Year/House)

The aim here is to resolve a complaint at the earliest possible opportunity via informal resolution by way of a discussion with the class teacher or head of year/house.

If that member of staff did not feel comfortable investigating the complaint or the complaint was about that staff member then the complaints co-ordinator can ask another staff member to investigate the complaint or immediately escalate the complaint to stage 2.

Stage 2 – Complaint heard by Head Teacher

During this stage the Head Teacher can delegate the task of collating evidence and information relating to the complaint but the decision on any action to be taken as a result of the complaint and the response should come from the Head Teacher.

Stage 3 – Complaint heard by Governing Body Complaints Appeal Panel

The complainant needs to write to the Chair of the Board of Governors giving full details of the complaint and the reason why he/she remains dissatisfied with previous attempts to resolve the complaint.

The Chair, or a nominated governor, should then convene a Governing Body complaints panel.

The Governing Body Complaints Panel should consist of 3 to 5 governors and should not include all of the school's governors. This is so impartiality may not be compromised in case a panel is then required for a disciplinary hearing against a member of staff as a result of a complaint.

One of the governors should be appointed as the Chair of the Complaints Panel. This does not necessarily have to be the Chair of the Board of Governors.

The role of the Chair should include:

- Ensuring that the correct process has been followed
- The remit of the panel is explained to each party at the beginning of the proceedings – i.e. that all parties will have the opportunity to have their say without being interrupted
- That all issues are fully addressed
- Ensure that complainants are put at ease and do not feel intimidated
- Ensure the hearing is conducted informally and that all parties treat each other with courtesy and respect
- The panel is open minded and acts independently
- No panel member has had any previous involvement in the complaint
- All parties are given the opportunity to see any written documentation and to comment on it.
- The Chair should also ensure that the complainant is informed of the Panel's decision, in writing, within 15 working days of the Panel hearing. This letter should inform the complainant of their right of appeal should they remain dissatisfied (i.e. Ofsted or The Secretary of State for Education).
- None of the governors on the panel should have had any prior involvement in the complaint.
- The panel hearing should be held in private and the aim should be to resolve the complaint, achieve reconciliation between the school and the complainant and assure the complainant that his/her concerns have been taken seriously.
- The Complaints Panel should aim to reach an outcome in respect of the complaint (i.e. upheld, partially upheld, not upheld, unable to substantiate), decide and agree on appropriate action to be taken as a result of the complaint and make recommendations to change processes/procedures to ensure problems of a similar nature do not recur. Care should be taken to ensure that the complainant does not feel intimidated by the process, especially if the complainant is a child.

A clerk to the panel should be appointed (this could be the complaint co-ordinator or another member of staff).

- The clerk will be responsible for the following:
- Arranging the time, date and venue for the hearing

- Collating and distributing any written information, including details of the previous stages of the complaint, to all parties in advance of the hearing
- Meeting and welcoming the parties as they arrive
- Notifying all relevant parties of the panel's decision

ESCALATION OF SCHOOL COMPLAINTS FOLLOWING STAGE 3

Should a complainant remain dissatisfied following a Stage 3 complaint they should be advised of their right to escalate their complaint to the following bodies:

Local Authority

The Local Authority MAY consider complaints in relation to school admissions & allocations, school transport, some aspects of Special Educational Needs, school exclusions, non-delivery of the curriculum, religious worship and tuition at home.

Children's Services Complaints & Feedback Manager
Commercial & Corporate Services
Civic Centre Sunderland,
SR2 7DN
Telephone: 0191 5611276
Email: children.complaints@sunderland.gov.uk

Secretary of State for Education

If a complainant feels that a school has or is proposing to act unreasonably, or has failed to discharge a duty under certain legislation they can contact the Secretary of State for Education.

The Secretary of State for Education Department of Education
Castle View House
East Lane,
Runcorn Cheshire,
WA7 2GJ
Telephone: 0370 000 2288

This policy will be reviewed on an annual basis and when legislation changes.

Review date: March 2023
Adopted by Governing Body March 2022



Chilton Academy

Complaints procedure for Parents

The school has adopted the Local Authority Complaints Procedure for parents.

The procedure does not cover admissions, exclusions, SEN, curriculum or worship.

Should a parent have a complaint against the school an outline of the procedure is as follows:

Stage 1 – Initial Contact

By appointment, contact the member of staff concerned or the Head Teacher.

Stage 2 – Formal consideration of your complaint

Confirm the complaint in writing, then a meeting with the Head Teacher or Chair of Governors if the complaint is directed at the Head Teacher.

Stage 3 – Consideration of a Governing Body

You may request (in writing) that the full governing body hear your complaint. The matter we hope will be resolved at this stage.

Stage 4 – Complaint to the Local Authority

If you wish to pursue the complaint further a request can be made to the Local Authority.

Stage 5 – Complaint to the Secretary of State

The complaint will now be against the Local Authority having taken no action. We would advise that unless the school is shown Local Authority to have behaved unreasonably, further action is unlikely.

A complete copy of the procedure is available on request from the school office.