



Complaints Procedure

March 2013

Complaints Procedure

At Cuckoo Hall Academy we have a strong commitment towards working in positive partnership with the whole Academy community. A school is a busy place where there are many interactions between pupils, parents, carers and staff as part of the every day life of the school. We have an ethos of respecting the rights of all members of the Academy community and as part of our curriculum teaching we work to instil this in our children. From time to time something may go wrong, or you may think we can do something better. Where any concerns are raised we aim to resolve these as quickly and as efficiently as possible. Usually concerns that are raised can be resolved very quickly through the school's day to day communication between parents and the Academy staff. Where a parent may feel that an issue has not been dealt with appropriately it is important, for all involved, that there is a clear and transparent process for a complaint to be looked into and followed up.

The statutory requirement

Regulation 25 of The Education (Independent School Standards) (England) Regulations 2010 requires the Academy to have a complaints procedure.

Why do we need guidance and monitoring of school complaints?

Parents and pupils are stakeholders in the educational system. If they are unhappy about something, there should be a clear system and route for them to make the school aware of their concerns – **even if all that entails is an explanation of why something happens in the way that it does.**

What can a complaint be about?

The kinds of issues that might lead to a formal complaint being made may include:

- The Academy environment
- Staff conduct
- Bullying
- Discrimination on the grounds of race or gender

In each of these cases the responsibility for action lies with the Academy. In some cases a complaint may lead to a disciplinary or an appeal against a decision in which case it may be appropriate for the issue to be dealt with separately from the complaints procedure.

What issues should the complaints procedure not deal with?

Existing statutory bodies, personnel or other procedures already exist for dealing with each of the following issues:

- Complaints about the statementing process for children with special educational needs.
- Disciplinary issues relating to members of staff (although sometimes this may come about as a result of a complaint).
- Allegations of abuse.
- Admissions and exclusions.
- Provision of collective worship and religious education.
- Child Protection matters

Resolving issues and complaints

Most issues and complaints can be successfully dealt with informally at the Local Resolution stage and an effective complaints procedure will encourage this. However, for those situations where this is not the case, we have a more formal process to investigate and deal

with complaints. It will also provide the Academy with the means to identify an area of concern at an early stage and to tackle it quickly and effectively. A good procedure will enable swift handling of the complaint with clear time limits, and will also ensure a full and fair investigation that respects the confidentiality of the complainant.

We see it as important to try and reach an early resolution with complainants. This not only promotes closure in the matter but also enables parents and teaching staff to move forward constructively. It might be sufficient to acknowledge that a complaint is valid in whole or in part. It may also be appropriate to offer one or more of the following:

- An apology
- An explanation
- An admission that the situation could have been handled differently or better
- An assurance that the incident complained of will not recur – and an explanation of steps taken to ensure this
- An undertaking to review Academy policies in light of the complaint
- Asking the complainant what they feel they would like to see happen may help resolve the situation at any stage.

However it may also be the case that the outcome, at any stage of the procedure, may conclude that:

- There is insufficient evidence to reach a conclusion, so that that complaint can not be upheld.
- The concern is not substantiated by the evidence.
- The concern was sustained in part or full. Some details may then be given of action the Academy may be taking to review procedures etc but details of the investigation will comply with the Data Protection Act 1998.
- The matter has been fully investigated and that appropriate procedures are being followed, which are strictly confidential under the Data Protection Act (eg where staff disciplinary procedures are being followed)..

When we receive a complaint, we will try to:

- Discuss the complaint with the complainant
- Establish what has happened and who was involved – clarify the details
- Discover what the complainant feels would remedy the situation
- Interview those involved – allow them to be accompanied if they wish
- Approach the interview with an open mind – and keep notes

If we are unable to respond within the time limit (usually 15 school days at stage 1 and 20 school days at stage 2), we will inform the complainant, giving a reason and a new deadline for reply.

THE STAGES FOR MAKING A COMPLAINT

Dividing the complaint process into stages enables complainants to have a clear idea of how to make their concerns known and also where to turn if they are not satisfied with an answer that they may have been given.

Local resolution (stage 1)

This is when a parent or pupil or other person contacts the Academy because they are not happy about something that has happened, or is happening in school.

At this stage, ideally the class teacher, senior manager or other individual responsible for the service can resolve the concerns (through a meeting if the complainant wishes it). It may be helpful to identify at this point what sort of outcome the complainant is looking for, in order to tackle minor concerns quickly and effectively. The response given to the complainants should be provided **within 15 school working days** (orally, or in writing as appropriate to the situation).

If the concern relates specifically to a Headteacher, then it is obviously desirable for the Executive Headteacher to resolve the issue. If this is not possible the complainant should be advised to contact the chair of the governing body who will carry out the next stage of the procedure or appoint someone appropriate to carry it out.

A refusal, unreasonably, to attempt a local resolution may result in the procedure being terminated.

Formal complaint to the Headteacher (stage 2)

If the complainant is not satisfied with the response received from the class teacher or senior manager at stage 1, he or she should be given the opportunity to take the complaint to the next stage of the process, for the Headteacher to investigate. If the matter is considered to be of such concern the Headteacher may decide to undertake an investigation at stage 2 immediately.

The complaint should be submitted in writing to the Headteacher, which will include the complainant's desired outcome from the complaint (a form is enclosed for this purpose). At this stage the complaint must be taken up by the complainant within 10 school working days following the local resolution stage. It is not appropriate for a complaint to be pursued after a long lapse of time.

Oral or written acknowledgement of a complaint should be provided **within two school working days** and a target date for response should be given (**within 20 school working days**). If it is not possible to resolve matters within this timescale an explanation should be given, with a revised target date.

Where appropriate the Headteacher should provide the complainant with the opportunity to meet to discuss the complaint further and it is reasonable to allow a friend or advocate to accompany the complainant to the meeting if the complainant wishes.

The Headteacher or designated senior member of staff should interview any relevant pupils and witnesses. If appropriate a member of staff with whom the pupil feels comfortable should be asked to attend. Written records should be kept of all meetings, telephone conversations and interviews etc.

Following the completion of all appropriate investigations the Headteacher will respond in writing to the complainant, with all appropriate information in relation to the complaint and information on any outcome/s.

If the complainant considers that the decision of the Headteacher is perverse, or that the Headteacher has acted unreasonably in considering the complaint, then the complainant may bring a complaint in respect of the investigation carried out by the Headteacher. This will provide an opportunity for the evidence to support such a complaint to be investigated. In this case the complainant should submit in writing a complaint in respect of the Headteacher's investigation to the Executive Headteacher (**within 5 school working days of receiving the Headteacher's written response**).

The Executive Headteacher will carry out an investigation, and will consider all available evidence. This may include an interview with the complainant, the Headteacher and relevant members of Academy staff (separately) if the Executive Headteacher requires additional evidence. However it would not be appropriate to question any children if they have been part of any previous investigation. When the investigation has been concluded the complainant and the Headteacher will be informed in writing of the outcome (**within 20 school days of receiving the complaint**) If the complainant is not satisfied with the manner in which the process has been followed, or considers that the decision of the Executive Headteacher is perverse, or that the Executive Headteacher has acted unreasonably, then the complainant may request that the Governing Body review the handling of the complaint.

Formal complaint to a Complaints Panel (stage 3)

Complaints rarely reach this level, but Cuckoo Hall Academy is prepared to deal with them if necessary and has a procedure for the complaints panel included as part 2 of this policy.

A complaints panel, consisting of two members of the governing body and a third independent member, should be convened to hear the details of the complaint. This independent member will not be associated in any way with the Academy or the Academies Trust and will be a governor for an Academy outside of Enfield or failing that through the appointment of an Independent Person, who would meet the standard for independence, as defined by the requirement that is laid down in The Children Act 1989 Representations Procedure (England) Regulations and Guidance, "Getting the Best from Complaints". None of these members will have been involved in the matters detailed in the complaint

If the complainant remains dissatisfied following the formal stage of the procedure they should be advised of their right to take their complaint to the Governor's Complaints Panel. **The complainant should submit their complaint to the chair of the governors' complaints panel in writing – no later than 10 school days following receipt of a written outcome at stage 2** (a form is available for this purpose). This should include their desired outcome to the complaint.

It is important that the complaint panel should not only be independent, but be seen to be so. The full governing body should not consider individual complaints in case the investigation leads to a disciplinary hearing that would need to be heard by a separate group of governors. Similarly, some governors may have prior knowledge of a problem, which might make them unable to give fair and unbiased consideration to the issue.

A complaint panel should be arranged to meet **within 20 school working days**, with enough notice given (**usually at least ten school working days**) so that everyone, including the complainant, can attend. At this meeting the issues around the complaint can be discussed, with everyone involved invited to put their case. It is likely that the panel would also need to interview any people involved in order to get a clearer picture of the story. Any parties involved should also be invited to submit any extra evidence that has not been seen during the earlier stages.

A written response to the complainant should be made as soon as possible but in any case within **15 school working days** of the panel.

Monitoring complaints

The Academy will monitor complaints. Details to include:

- Name of complainant
- Details of the complaint
- How the complaint was investigated and by whom

- When the complaint was made
- The results and conclusions of the investigation(s)
- Any action taken as a result

Vexatious complaints

A good procedure can help limit the number of protracted complaints. It is not appropriate to make personal accusations or attacks on members of Academy staff, or to raise matters that are not about education or a child's well-being. It is also not appropriate to make unsubstantiated allegations against the school, or to behave unreasonably by not engaging with the Academy to attempt a joint resolution. If a complainant attempts to reopen issues that have been dealt with through the complaints procedure it will be explained that the procedure has been exhausted.

If a complainant acts unreasonably by continuing to raise similar issues, or raising a range of unrelated issues on a repeated basis then the Academy reserves the right not to respond. If a complainant in this category refuses to engage in the school's formal complaints procedures, but continues to complain, then the Headteacher or chair of governors will inform the complainant that the complaints are vexatious.

If the complainant believes that the Academy has acted unreasonably they may appeal to the Education Funding Agency on behalf of the Secretary of State for Education as detailed in the section below.

Appeal to the Education Funding Agency

If the complainant is still not happy by this stage, an appeal can be made to the Education Funding Agency (EFA) who will investigate complaints about::

- Undue delay or non-compliance with published complaints procedures;
- Allegations that the Academy has failed to comply with a duty imposed on it under its Funding Agreement with the Secretary of State ;
- Allegations that the Academy has failed to comply with any other legal obligation placed on it, except in cases where there is another body or organisation that is, in the view of the EFA, better placed to consider and if necessary, take further action in connection with the issue.

The EFA will not usually investigate complaints until the Academy's own complaints procedure, including any hearing, has been exhausted. The EFA may decide to investigate before the Academy's procedure has been exhausted if it has reason to believe either that:

- A complaint was made to the Academy and the Academy has had a reasonable opportunity to investigate it and respond, but has failed to do so; or
- There are circumstances which mean it is not reasonable for the matter to be brought to the attention of the Academy.

The EFA will not investigate complaints about:

- examination results or curriculum content where a more appropriate form of redress would be the examining body or Ofqual;
- statements of special educational needs where there is an appeal to the First-tier Tribunal (SEND);
- matters that are the subject of legal action.

The EFA will not investigate complaints more than 12 months after the decision or action was taken unless the complainant has good reason for the delay in making the complaint.

Further detail concerning the procedure the EFA will undertake in dealing with complaints can be obtained from EFA.

Dissatisfaction with the EFA handling of the complaint.

If a complainant is dissatisfied with the way in which the EFA has dealt with their complaint against an Academy, the complainant may notify the EFA of this. As an Executive Agency of the Department for Education (DfE) complaints about the EFA will be handled in accordance with the DfE's complaints process. Further details of this can be obtained from the DfE.

Publicising our complaint procedure

Details of our complaint procedure will be publicised in:

- The Academy prospectus
- Academy newsletters
- The Academy website

All school staff and governors will be aware of the complaints procedure, to ensure a consistent approach in dealing with concerns.

A copy of this complaints procedure is available on request in large print.

Cuckoo Hall Academy

Your name:

Pupil's name:

Your relationship to pupil:

Your address and postcode:

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Your daytime telephone number: 

Your evening telephone number: 

Your complaint is (include details of actions already taken by the Academy to try to resolve the situation):

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What would you like as an outcome from your complaint?

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

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Your signature: Date:

All functions of the complaints procedure must adhere to the requirements of the Data Protection Act, 1998 and the Freedom of Information Act, 2000.

The Academy will, in following this procedure, will refer to any relevant legislation including all human rights based legislation.

Please complete and return to the Academy office. Your complaint will be acknowledged with an explanation of what happens next.

For office use only:

Date acknowledgement sent ()

Responsible member of staff ()

Monitoring

Are you? Male Female Do you have a disability? Yes No

White

- British
- Irish
- Greek or Greek Cypriot
- Turkish or Turkish Cypriot
- Albanian excluding Kosovan
- Kosovan
- Any other White background

(Specify if you wish):

Asian or Asian British

- Indian
- Pakistani
- Bangladeshi
- Any other Asian background

(Specify if you wish):

Chinese

- Chinese

Mixed

- White and Black Caribbean
- White and Black African
- White and Asian
- Any other Mixed background

(Specify if you wish):

Black or Black British

- Caribbean

African

- Nigerian
- Somali
- Congolese
- Any other African background

(Specify if you wish):

Any other ethnic category

- Any other group

(Specify if you wish):

PART 2

PROCEDURE FOR A COMPLAINTS PANEL (STAGE 3)

When should a complaints panel be convened?

If a complainant is unhappy about the investigation made by the Headteacher or Executive Headteacher at stage 2 of the complaints process the procedures outlined below should be followed.

The complaint must be made in writing, outlining what action has been taken by the Academy so far and what desirable outcome the complainant would like.

Acknowledgment

Written acknowledgement of the complaint should usually be made **within three school working days**. The acknowledgement should inform the complainant that the complaint is to be heard by a panel comprising two members of the school's governing body and a member who is independent of the Academy within **20 school working days** of receiving the complaint. The letter should also explain that the complainant has the right to submit any further documents relevant to the complaint. These must be received by **at least five school working days** before the panel date for the documents to be sent to the three members.

The panel

The Chair of the governing body should arrange to convene a complaints panel elected from two members of the governing body and an independent member. It may be necessary for the governing body to appoint reserves to this panel to ensure that three governors are available to carry out their task within the set time.

The panel members should be governors who have had no prior involvement with the complaint. The Chair of the complaints panel should chair the meeting.

Timescale

The panel Chair will ensure that the panel will hear the complaint within **20 school working days** of receiving the request to move to stage 3. All relevant correspondence regarding the complaint should be given to each panel member as soon as the composition of the panel is confirmed. If the correspondence is extensive, the Chair should prepare a thorough summary for sending to panel members.

The Chair will write and inform the complainant, Headteacher and/or Executive Headteacher (where appropriate), any relevant witnesses, and members of the panel of the date, time and place of the meeting. This should be done **at least ten school working days** in advance. The notification to the complainant should also inform him or her of the right to be accompanied to the meeting by a friend or advocate or interpreter. The Headteacher will also be informed of her right to be accompanied by a representative. The letter will also explain how the meeting will be conducted and the complainant's right to submit further written evidence to the panel **within 5 school working days**.

Who should attend?

The Chair should invite the Headteacher and/or Executive Headteacher (where appropriate) to attend the panel meeting and prepare a written report for the panel in response to the complaint. The Headteacher and/or Executive Headteacher (where appropriate) may also invite members of staff directly involved in matters raised by the complainant to respond in writing or in person to the complaint. Any relevant documents including the Headteacher's report should be received by all concerned – including the complainant – **at least 5 school working days** prior to the meeting.

The involvement of staff other than the Headteacher and/or Executive Headteacher (where appropriate) is subject to the discretion of the Chair. It is the responsibility of the Chair to ensure that the meeting is properly minuted.

The meeting

The aim of the meeting should be to resolve the complaint and achieve reconciliation between the Academy and the complainant. However, it has to be recognised that sometimes it may only be possible to establish facts and make recommendations which will satisfy the complainant that his or her complaint has at least been taken seriously.

The panel should remember that many parents are unused to dealing with groups of people in formal situations and may feel inhibited when speaking to the panel. The Chair should therefore ensure that the proceedings are as informal as possible.

If either party wishes to introduce previously undisclosed evidence or witnesses, it is in the interests of natural justice to adjourn the meeting so that the other side has time to consider and respond to the new evidence.

The meeting should allow for:

- The complainant to explain their complaint and for the Headteacher and/or Executive Headteacher (where appropriate) to explain the school's response
- The Chair to seek clarification about the complaint with the complainant and/or the Headteacher/Executive Headteacher if appropriate
- The complainant to question the Headteacher/Executive Headteacher and/or other members of staff about the school's response (at the discretion of the Chair, and questions to be asked through the Chair)
- The Headteacher/Executive Headteacher to question the complainant (at the discretion of the chair, and questions to be asked through the chair)
- Panel members to have an opportunity to question through the Chair both the complainant and the Headteacher/Executive Headteacher
- Any party to have the right to call witnesses (subject to the approval of the Chair) and all parties having the right to question all the witnesses
- Final statements by both the complainant and the Headteacher/Executive Headteacher.

The decision

The Chair will explain to the complainant and the Headteacher/Executive Headteacher that the panel will now consider its decision, and a written decision will be sent to both parties **within 15 school working days**. The complainant, Headteacher/Executive Headteacher, other members of staff and witnesses will then leave.

The panel will then consider the complaint and all the evidence presented and:

- Reach a unanimous, or at least a majority, decision on the complaint.
- Decide upon the appropriate action to be taken to resolve the complaint.
- Where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not happen again.

A written statement outlining the decision of the panel must be sent to the complainant and Headteacher/Executive Headteacher.

The Academy should ensure that a copy of all correspondence and notes are kept on file in the school's records. These records should be kept separately from the pupil's personal records.

Checklist for the panel hearing

- The hearing should be as informal as possible.
- Witnesses are only required to attend for the part of the hearing for which they give their evidence.
- After introductions, the complainant is invited to explain their complaint and what outcomes from the meeting they seek.
- The Headteacher/Executive Headteacher may question the complainant and any witnesses (through the Chair)
- The panel may ask questions at any point.
- The Headteacher/Executive Headteacher is then invited to explain the school's actions, followed by any witnesses for the school.
- The complainant may question both the Headteacher/Executive Headteacher and the witnesses (through the Chair)
- The complainant is invited to sum up their complaint.
- The Headteacher/Executive Headteacher is invited to sum up the school's response to the complaint.
- The Chair explains to the complainant and Headteacher/Executive Headteacher when they can expect to hear from the panel.
- The complainant and the Headteacher/Executive Headteacher leave together to allow the panel to reach a decision, which would generally be communicated formally in writing.