

# Madeley Academy



## Concerns & Complaints Policy

**Updated:** June 2018

**Next review date:** June 2019

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### Introduction

This Concerns and Complaints Policy is for use by parents/carers who have students on the enrolment of the Academy. A separate policy is in place for members of the community who are not parents/carers of students at the Academy. This policy is available via the Academy's website.

This policy is designed to meet the standards set out in the Education (Independent Schools Standards) Regulations 2014 and guidance issued 27 January 2015. This means that parents must be offered:

- An opportunity to resolve a complaint with the Academy on an informal basis for example through discussion with a senior member of staff
- A formal complaint stage where a complaint is made in writing
- A hearing with a panel appointed by or on behalf of the Governing Body and consisting of at least 3 people who were not directly involved in the matters detailed in a complaint, one of whom must be independent of the management and running of the Academy

The exceptions to this requirement are complaints relating to the Curriculum, Collective Worship and Religious Education; some Special Educational Needs issues and Admission issues; and others where Local Authorities have statutory responsibilities, such as Safeguarding. The Headteacher or Concerns & Complaints Officer can give information and advice about complaints in these areas.

There are certain other complaints which fall outside the remit of the Governing Body's complaints procedure; for example, staff grievances or disciplinary procedures. Any complaints concerning the conduct of Academy staff will be handled in accordance with the Academy's internal disciplinary procedures. The details of such an internal investigation will remain confidential.

Allegations of abuse involving a member of the Academy staff must be reported to the Headteacher immediately. Allegations of abuse involving the Headteacher must be reported to the Chair of Governors immediately.

The Academy reserves the right to seek external advice and support at any time that it is considered necessary or appropriate in respect of either a complaint or concern.

The Headteacher provides the Governing Body with a termly report outlining matters of concern or complaint which have been satisfactorily resolved in line with this policy.

The Academy's Concerns & Complaints Officer is Mrs Sally Davies – Telephone: 01952 527700

Concerns are matters that can usually be resolved informally; if a concern is not resolved then the complainant will have the opportunity to put the complaint in writing and the formal complaint procedure will then be engaged. It is in everyone's interest that matters are resolved at the earliest possible stage. The experience of the first contact is crucial in determining whether the concern will escalate.

### **Stage 1 Concerns (Meeting with Teacher, Form Teacher or Head of Year)**

- As soon as a concern is registered with the school either verbally in person, via email, in writing or by telephone, a meeting with the person registering the concern will be offered and if accepted convened within **5 working days**
- If a meeting is not required by the person registering the concern an option of telephone feedback will be offered
- A concern will normally be heard or dealt with by a Teacher, Form Teacher or Head of Year
- The outcome of the concern will be recorded in the pastoral log and feedback provided to the person registering the concern within **2 working days** of receiving the concern
- If the concern is not resolved satisfactorily it may be treated as a complaint
- All complaints **must** be in writing

### **Stage 2 Formal Complaint (Meeting with Deputy Head)**

- Complaint received in writing
- A meeting will be convened with the complainant within **5 working days**
- The complaint will normally be heard by a Senior Staff member such as a Deputy Head
- The outcome of hearing the complaint will be recorded in a letter which will be sent to the complainant within **2 working days** and the Academy will retain a copy for its records
- If the complainant is not satisfied with the outcome then he/she should indicate the reasons in writing within **5 working days after receiving the letter** to the Headteacher

### **Stage 3 Formal Complaint (Meeting with Headteacher)**

- Complaint received in writing indicating why the complainant is not satisfied with the outcome of Stages 1 and 2
- A meeting will be convened with the complainant within **5 working days**
- The complaint will be heard by the Headteacher
- The outcome of the complaint will be recorded in a letter which will be sent to the complainant within **2 working days** and the Academy will retain a copy for its records
- If the complainant is not satisfied with the outcome then he/she should indicate the reasons in writing within **5 working days after receiving the letter** to the Chairman of Governors

### **Stage 4 Formal Complaint (Meeting with a Panel of Governors)**

- The Chairman of Governors receives a complaint in writing indicating why the complainant is not satisfied with Stages 1, 2 and 3
- The Chairman will organise a Panel of three Governors to hear the complaint which may or may not include the Chairman
- A meeting will be convened within **10 working days**
- The Panel will hear the complaint
- Parents can attend and be accompanied at the Panel Hearing if they wish
- The outcome of the complaint will be recorded in a letter which will be sent to the complainant within **2 working days** and the Academy will keep a copy for its records

If the complainant is not satisfied with the handling of their complaint by the Panel of Governors then he/she has recourse to the ESFA (**Details on page 4**) or an appropriate third party.

Please note that a written record of all complaints are kept confidential.

### **Concerns or complaints specifically about the Headteacher:**

A decision that the Headteacher has made as a result of a Level 3 complaint does not become a complaint about the Headteacher. If the complainant feels the complaint has not been resolved satisfactorily they should proceed to Stage 4, a Governors' Complaints Panel.

If the concern or complaint is specifically about the Headteacher and is not resolved at Stages 1-3, then it will be necessary for the complainant to proceed to Stage 4 and formally complain to the Chair of Governors. The complainant should write to him or her at the Academy address marking the envelope "Confidential". The Chair of Governors should acknowledge the complainant's letter in writing within 5 school days of receipt and decide on what action should be taken. In the event that the Chair of Governors is not available within the stated time period the Concerns & Complaints Officer will refer to the Clerk to the Governors for guidance.

### **Additional Notes:**

The Academy staff and Governors will always work with parents to try and secure a satisfactory outcome following a complaint. However, there may be occasions when the expertise within the Academy is not able or sufficiently knowledgeable to deal with a specific complaint. In such rare cases the Academy reserves the right to refer complaints to experts in chosen fields at any of the three stages in the process. Any such third parties may then respond to the complainant on the Academy's behalf.

In circumstances where the nature and extent of a complaint are unusually complex, the Academy also reserves the right to amend the timescales used in the complaints procedure to ensure that adequate time is made available to try and resolve the complaint satisfactorily.

Part of the Concerns and Complaints Officer's role is to assist the complainant in the process and the complainant should feel free to take advice, as appropriate, from the Concerns and Complaints Officer at any time during school hours.

Correspondence sent by post will be deemed to have been received the day after posting when sent by first class post or two days after posting when sent by second class post.

Parents/carers that are not satisfied about the handling of their complaint have recourse to the ESFA via:

[https://form.education.gov.uk/fform.php?self=1&form\\_id=cCCNJ1xSfBE&type=form&ShowMsg=1&form\\_name=Contact+the+Department+for+Education&noRegister=false&ret=%2Fmodule%2Fservices&noLoginPrompt=1](https://form.education.gov.uk/fform.php?self=1&form_id=cCCNJ1xSfBE&type=form&ShowMsg=1&form_name=Contact+the+Department+for+Education&noRegister=false&ret=%2Fmodule%2Fservices&noLoginPrompt=1)

### **Collecting Evidence**

Any recorded telephone or video images (CCTV) or photographic evidence collected as part of investigations will be processed fairly and lawfully in accordance with General Data Protection Regulation 2018 (GDPR) insofar as it will be:

- Adequate, relevant and not excessive
- Used for the purposes(s) stated in this policy only and not used for any other purposes
- Accessible only by the senior member of staff conducting the investigation and after securing permission from the Headteacher
- Treated confidentially
- Stored securely

Data collected by use of CCTV may be used for prevention and detection of crime, staff disciplinary and pupil behaviour, discipline and exclusions are required.

Data may be stored and viewed from the CCTV provider, or downloaded onto other digital platforms, that may include, but are not exclusively, portable storage devices, laptops, school servers. It may be shared with school staff, used as evidence in tribunal or exclusion proceedings and may be shared with third party agencies such as the Police, the LA or Social Care, subject to internal Data Protections processes.

### **The Remit of the Governors' Complaints Panel**

Whilst the Governors' Complaints Panel hearing is a formal process, and held in private, every effort will be made to allow the proceedings to be as informal and constructive as possible, focusing on resolution of the complaint to everyone's satisfaction. All parties will be expected to act with respect, courtesy, understanding and tolerance, particularly if a child is in attendance.

The Chairman will direct the proceedings and may permit adjournments at any time to allow for reflection, private discussion or the comfort and wellbeing of attendees etc. The aim will be to resolve all matters at a single meeting.

All parties at the meeting will have access to the same documentation which, so far as is possible, will be distributed in good time before the meeting date. All parties will have the opportunity to state their case or position and to ask questions.

The Panel can:

- dismiss the complaint in whole or in part
- uphold the complaint in whole or in part
- decide on the appropriate action to be taken to resolve the complaint
- recommend changes to the Academy's systems or procedures to ensure that problems of a similar nature do not recur

The Concerns and Complaints Officer will remain the contact point for the complainant and will set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible.

The Clerk to the Governors will attend the Panel meeting and will record the proceedings.

A template, **Appendix A**, is attached to assist the complainant if they wish.

**APPENDIX A**

**Complaint letter template**

<p><b>Your name:</b></p> <p><b>Student's name:</b></p> <p><b>Your relationship to the student:</b></p> <p><b>Address:</b></p>  <p><b>Telephone number(s):</b></p>
<p><b>Details of the complaint</b></p>
<p><b>What action, if any, have you already taken to try and resolve your complaint</b></p>
<p><b>What actions do you feel might resolve the problem at this stage?</b></p>
<p><b>Are you attaching any paperwork? If so, please give details.</b></p>
<p><b>Signature:</b></p> <p><b>Date:</b></p>

**Please complete and return to the Headteacher or Chair of the Governing Body (for Stage 4) who will acknowledge receipt and explain what action will be taken.**