



Lostock Hall Academy

Educating the Future

Complaints Policy and Procedure

Version 1.0

Date effective from:	1 May 2014
Prepared by:	Mrs G Brimelow, Headteacher
Date of review:	2015/2016

This page is intentionally blank

CONTENTS

Reference	Details	Page
Section 1	Context	5
1	Introduction	5
2	Information for Complainants	5
3	What is a concern or complaint?	5
Section 2	Procedure	
1	Making a complaint – type of complaint and who to complain to	6
2	The Complaints Procedures	6
3	Informal Stage	6
4	Formal Stage	7
5	Appeals	7
6	Further Stages	8
7	Withdrawal of a Complaint	8
8	Complaints about a governor, the Chair of Governors or the Governing Body	8
9	Complaints Record	8
10	Serious Allegations or Complaints	8

This page is intentionally blank

SECTION 1 – CONTEXT

1 Introduction

The policy of the academy is to work in partnership with parents and the wider community. It is based on the belief that co-operation and a sense of joint purpose between staff, parents and the academy will assist in ensuring open and positive relationships.

From time to time, however, parents and members of the public may express concern or make a complaint, either orally or in writing, about some aspect of the conduct/operation of the academy, the conduct of the Headteacher, an individual member of staff, the Governing Body or an individual governor. The academy will always give serious consideration to concerns and complaints that are brought to its attention. However, anonymous complaints will not normally be considered. In considering concerns or complaints, the academy will ensure that they are dealt with effectively and with fairness to all parties. Where possible, complaints will be resolved informally. Where a complaint has not been resolved informally, then the formal procedures set out in section "5(ii)" below will be followed.

2 Information for Complainants

A copy of the complaints procedures can be found on the academy website.

A written copy may be obtained upon request from the Academy.

3 What is a concern or complaint?

- (a) A concern or complaint is defined as one or a combination of the following:
- an expression of dissatisfaction about the conduct/operation of the academy,
 - the conduct of, actions or lack of actions by, a member of staff/the Governing Body/an individual governor,
 - unacceptable delay in dealing with a matter or the unreasonable treatment of a pupil or other person.
- (b) Concerns or complaints relating to any of the following are **not** covered by these procedures, as separate procedures apply.
- Freedom of Information Access
 - Pupil Exclusions
 - School Admissions
 - Staff Grievance
 - Statemnting procedures for special educational needs
- (b) Serious complaints or allegations relating to the abuse of children, assault, criminal or financial matters are also subject to separate procedures. (See Section 9)

SECTION 2 – PROCEDURE

1 Making a complaint – type of complaint and who to complain to

If the complaint is about:

- something that has happened or failed to happen in the academy, contact the Headteacher;
- the actions of the Headteacher, contact the Chair of Governors via the Clerk to the Governing Body of the academy;
- the actions of a governor, contact the Chair of Governors via the Clerk to the Governing Body of the academy;
- the Chair of Governors, contact the Clerk to Governors via the academy;
- the actions of the governing body, contact the Clerk to Governors via the academy.

The academy and Governing Body would in most cases hope to resolve concerns and complaints at an informal stage, but the procedures allow for formal consideration of a complaint and an appeal stage if matters cannot be resolved.

The academy is committed to dealing with complaints as speedily as possible and would plan to complete each stage within 20 school days. From time to time, it may not be possible to complete the process in that timescale. Where that is not possible the complainant will be informed of any delays.

Where complaints are made against an individual member of the School staff, that person will be informed of the complaint at the earliest opportunity.

2 The Complaints Procedures

In dealing with complaints the academy will take account of its public sector equality duty and have due regard to the need to:

- *eliminate discrimination, harassment, victimisation and any other conduct prohibited by or under the Equality Act 2010*
- *advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it*
- *foster good relations between persons who share a relevant protected characteristic and persons who do not share it*

3 Informal stage

The academy will seek to resolve concerns and complaints informally, with the member of staff or governor concerned and encourage the complainant to discuss with them the matters causing them concern. However, if that does not resolve the problem then the matter should be brought to the attention of the Headteacher (complaints and concerns about governors should be made to the Chair of Governors) in accordance with Para. 4.

The Headteacher (or Chair of Governors) will then seek to resolve the matter informally and will:

- acknowledge the complaint;
- make enquiries to establish the facts;
- seek advice as appropriate;
- attempt to resolve the matter informally;
- establish whether or not the complainant is satisfied;

- advise complainants of the next stages if they wish to proceed to a formal consideration of the complaint;
- make a brief note of the complaint and the outcome.

This stage would normally be expected to be completed in 20 school days. A complainant wishing to proceed to the formal stage of the procedure should normally notify the Headteacher/Chair of Governors within 20 school days of being notified of the outcome of the informal stage.

The informal stage will not be used if the allegations made refer to:

- criminal activity which may require the involvement of the police
- financial or accounting irregularities
- abuse of children

4 Formal stage

Where an informal complaint has not been resolved to the satisfaction of the complainant, the Headteacher (or Chair of Governors as appropriate) will:

- ensure the complainant is aware of the procedures;
- require a written record of the complaint (someone else may write this on behalf of the complainant);
- formally acknowledge the complaint;
- seek advice as appropriate;
- if the complaint concerns a member of staff (or governor) inform them and provide them with a copy of the complaint;
- arrange for a full investigation of the complaint;
- prepare a report as a result of the investigation and consider actions to be taken;
- advise the complainant of the outcome. Where it is considered no further action is needed or the complaint is unsubstantiated, the complainant should be advised, in writing. They should also be informed of their right to appeal to the Complaints Appeals Committee within 20 school days;
- make a record of the complaint and its outcome; this should be retained for academy records.

This stage would normally be expected to take no more than 20 school days. The Governing Body should be informed in general terms of all formal complaints.

5 Appeals stage

The Complaints Appeals Committee of the Governing Body will consider complaints where the Headteacher (or Chair of Governors) has not been able to resolve the complaint to the satisfaction of the complainant and the complainant wishes to appeal. Any appeal must be made in writing to the Clerk to the Governing Body (the academy will advise the complainant of the contact details). The Committee will be convened by the Clerk to the Governing Body. The Committee will consist of at least three people who are not directly involved in the matters detailed in the complaint and at least one committee member will be independent of the management and running of the academy. The Committee will:

- consider the written materials;
- consider the complaint and the Headteacher's (or Chair's) action;
- invite the Headteacher or Chair of Governors (as appropriate) and the complainant (accompanied if they wish) to the meeting
- seek advice and support as necessary.

At the end of their consideration the Committee will:

- determine whether to dismiss or uphold the appeal in whole or part, including, if appropriate, referring the matter back to the Headteacher/Chair of Governors for further consideration;
- where upheld, decide on appropriate action;
- advise the complainant and the Headteacher of their decision;
- advise the complainant of any further action they may wish to take if they remain dissatisfied.

The Clerk to the Governing Body will arrange for the School's Complaints Register to be amended to include a brief summary of the complaint and the decision of the Complaints Appeals Committee for the matter to be reported to the Governing Body.

This stage would normally be expected to take no more than 20 school days.

In cases where the matter has been referred back for further consideration the Complaints Appeals Committee will be reconvened.

6 Further stages

The Education Funding Agency (EFA) will normally only consider a complaint about an academy after the academy's own complaints procedure has been exhausted. The EFA cannot review or overturn decisions about complaints made in respect of academies. The EFA can only investigate whether the academy considered the complaint appropriately. If the EFA finds that an academy did not consider a complaint appropriately it can request the academy to re-consider the complaint.

Complaints should be sent by post to Academies Central Unit (Academy Complaints), Education Funding Agency, Earlsdon Park, 53-55 Butts Road, Coventry, CV1 3BH or by e mail to academyquestions@efa.education.gov.uk

7 Withdrawal of a complaint

If the complainant wishes to withdraw their complaint, they will be asked to confirm this in writing.

8 Complaints about a governor, the Chair of Governors or the Governing Body

Complaints about a governor should be referred to the Chair of Governors who will investigate and respond to the complainant. In dealing with this matter the Chair may seek appropriate advice from the Local Authority's Governor Services Team.

Any appeal against the Chair's response would be dealt with by the Complaints Appeals Committee.

Complaints about the Chair of Governors must be referred to the Clerk to Governors who would arrange for the complaint to be considered by the Complaints Appeals Committee of the Governing Body.

9 Complaints Record

The school will maintain a written record of all formal complaints, how they were dealt with and the outcome in a complaints register.

10 Serious Allegations or Complaints

If the allegations refer to criminal activity which may require the involvement of the Police, the Headteacher should inform the Chair of Governors and seek appropriate advice as necessary.

If the allegations relate to financial or accounting irregularities involving misuse of public funds or assets or any circumstances which may suggest irregularities affecting cash, stores, property, remuneration or allowances, the Headteacher should inform the Chair of Governors and seek the advice of the academy's auditors.

If the allegations relate to the abuse of children, the Headteacher should seek the advice of the Local Authority Designated Officer. Serious allegations of this nature **must** be referred under Child Protection Procedures.