



Complaints Procedure for Essa Academy

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Complaints Procedure

Introduction

This procedure forms part of Essa Academy's suite of safeguarding measures. Essa Academy is part of the Essa Foundation Academies Trust (EFAT).

This document sets out the complaints procedure for the Essa Academy. The procedure covers all matters (except admissions, exclusions and special educational needs disagreements as there are separate statutory arrangements for these) relating to the life of the academy, including matters relating to the curriculum and acts of religious worship. This procedure is in line with the requirements of the Education (Independent School Standards) (England) Regulations 2014.

This procedure should be followed if the complainant is a parent/carer, a student, or a member of the public.

Parents/carers should always be involved in complaints by students under 16.

Where the complaint is made by a student over aged 16 or over, for example students who become 16 whilst still attending the academy or an ex- student who has a complaint relating to their time at the academy, and it progresses to the formal stage the student should always be encouraged to have the support of a parent/carer, another relative, or a friend.

Complaints by members of the public should be dealt with by the Principal in the first instance.

The Arrangements

The arrangements for dealing with complaints are simple and include the following:

1. Criticisms and concerns should be handled informally by academy staff and the Principal, in the first instance, not as formal complaints.
2. A copy of the complaints procedure should be made available to the parents/carers of pupils/students and prospective pupils/students and others.
3. Formal complaints should be made in writing, but may be complemented, or clarified, by an oral presentation. All documentation must be kept confidential.
4. Formal complaints should be investigated and handled as quickly as possible and both parties should be kept informed throughout all stages of the investigation.
5. Each complainant, and where relevant the person complained about, should receive a formal response, in writing, of the decision reached by the Chair of the Local Governing Body or of the findings and recommendations of the panel of governors investigating the complaint.
6. A copy of the findings and recommendations of the panel should be available for inspection on the academy's premises by the Chair of the Board of Directors and the Management Team Director.
7. A record, electronic or hard copy should be kept of each formal complaint and at what stage in the process it was resolved.

8. The number of formal complaints in each preceding academic year should be reported to the Local Governing Body and the Management Team Director. This information should be published on the trust's website.

If, in the course of the investigation, the Principal or the Local Governing Body considers that disciplinary action should be taken against a member of staff, disciplinary proceedings will be initiated.

Stage 1

Complaints can often be resolved in informal discussion with the Principal or a member of staff. In the first instance parents/carers or the student should speak to the Significant Adult. A complaint that is not resolved by the Significant Adult should be referred to the designated Senior Leader. A complaint that is not resolved by the designated Senior Leader should be referred to the Principal. The complaint should be dealt with promptly, within five working days where practicable, by the Significant Adult, designated Senior Leader, or by the Principal. Complaints by members of the public should be dealt with by the Principal.

Stage 2

Where a complaint is of a serious nature and has not been resolved informally, the complainant will be directed to the Chair of the Local Governing Body. The Chair will offer the complainant and the respondent the opportunity to make their cases, orally and/or in writing, will accept any supplementary information that is relevant to the case, and will consider and decide what action should be taken. Both parties should be kept informed throughout the investigation and should be notified in writing of the outcome and why a particular course of action was adopted. The Chair of the Local Governing Body should deal with the complaint within 10 working days, where practicable.

Stage 3

If the complainant is still not satisfied, he/she should be asked to put the complaint in writing formally to the Local Governing Body (for the attention of the Clerk) for the consideration of the complaints panel. It is possible that, at this stage, the complaint may well be different from the original one, as it could include dissatisfaction with the action taken by the Principal and/or the Chair of the Local Governing Body in handling the original complaint.

A panel of governors should be appointed by the full Local Governing Body and should consist of three members – none of whom should have had anything to do with dealing with the complaint previously. One member of the panel must be independent of the management and operation of the academy. The complaints panel should convene a hearing within 15 working days of receipt of the complaint, or as soon as is practicable thereafter.

Written evidence should be circulated to both parties and members of the panel in advance of the meeting. The procedure to be followed should be:

1. Introductions by the Chair of the panel.

2. Complainant makes a statement of the complaint and background¹.
3. Questions to the complainant by the Principal/Chair of the Local Governing Body and members of the panel.
4. Principal/Chair of the Local Governing Body makes a statement.
5. Questions to Principal/Chair of the Local Governing Body by complainant and members of the panel.
6. Principal/Chair of the Local Governing Body makes a final statement.
7. Complainant makes a final statement.
8. Interested parties withdraw from the meeting and the panel reaches a decision on whether the complaint is upheld or rejected. In either case, the panel may call for certain action to be taken by the academy.
9. Both parties should be informed of the decision no later than three days after the hearing.

The decision of the panel is binding on the Principal, Chair of the Local Governing Body and the academy. A copy of the panel's findings and recommendations must be given to the complainant, the person complained about, the Principal and the Chair of the Local Governing Body. If the complainant is dissatisfied with the decision of the Local Governing Body, he/she may refer the matter to the trust's Board of Directors. If the complainant believes the Local Governing Body and/or the trust has acted unreasonably he/she may make a complaint to the Education Funding Agency.

Should an investigation into a complaint lead to disciplinary procedures being taken against a member of staff, no one involved in the investigation or hearing will participate in any such disciplinary procedure in order to secure natural justice.

A record, electronic or hard copy, of all complaints must be kept by the academy detailing action taken and at which stage the complaint was resolved. All correspondence, statements and records of complaints must be treated as confidential [NB this does not apply to inspectors conducting an inspection under section 162A of the Education Act 2002, and subsequent amendments, the Education (Independent School Standards) (England) Regulations 2014, or to the Secretary of State should access to these records be required.]

Actions to be taken by Parents / Carers, students and others who have a complaint

These procedures have been established to deal as quickly as possible with any concerns or worries parents/carers, students, or others may have. There are three stages for handling complaints, which are as follows:

Stage 1

Parents/ carers/ students

If you have a complaint or a concern about your about a teacher, including a Significant Adult, or another member of staff, or a concern about some other matter

¹ In presenting its case, each party may call witnesses who could be questioned by the other side and members of the panel.

please make an appointment with the Significant Adult to discuss the matter and to resolve it.

If the complaint is not resolved, you should take the matter up with the designated Senior Leader. If the complaint is still not resolved you should take the matter up with the Principal. If the complaint is about the Principal, make an appointment to meet with the Principal in the first instance so that the problem can be resolved.

Members of the public

If you have a complaint or concern you should contact the Principal.

Stage 2

If the complaint is unresolved by the Principal, you should write to the Chair of the Local Governing Body at the academy. He/she will investigate your complaint and will invite the relevant member of staff to give his or her point of view. When this is completed, the Chair of Local Governing Body will write to you about his/her decision and inform you of any action he/she proposes to take to resolve your complaint.

Stage 3

If you are still unhappy about the outcome, you should write a letter to the Clerk of the Local Governing Body, care of the academy, and request the Local Governing Body to investigate your complaint. A form is available for you to complete to set out your complaint. A panel of the Local Governing Body, made up of three governors, will invite you to a meeting. You may be accompanied. You will be able to put your complaint and the reason you feel it has not yet been satisfactorily resolved to them. The Principal and Chair of Local Governing Body will also be present to put their points of view. The panel will decide whether or not to uphold your complaint and the action the academy should take. The decision is binding on the Principal and the Local Governing Body.

Stage 4

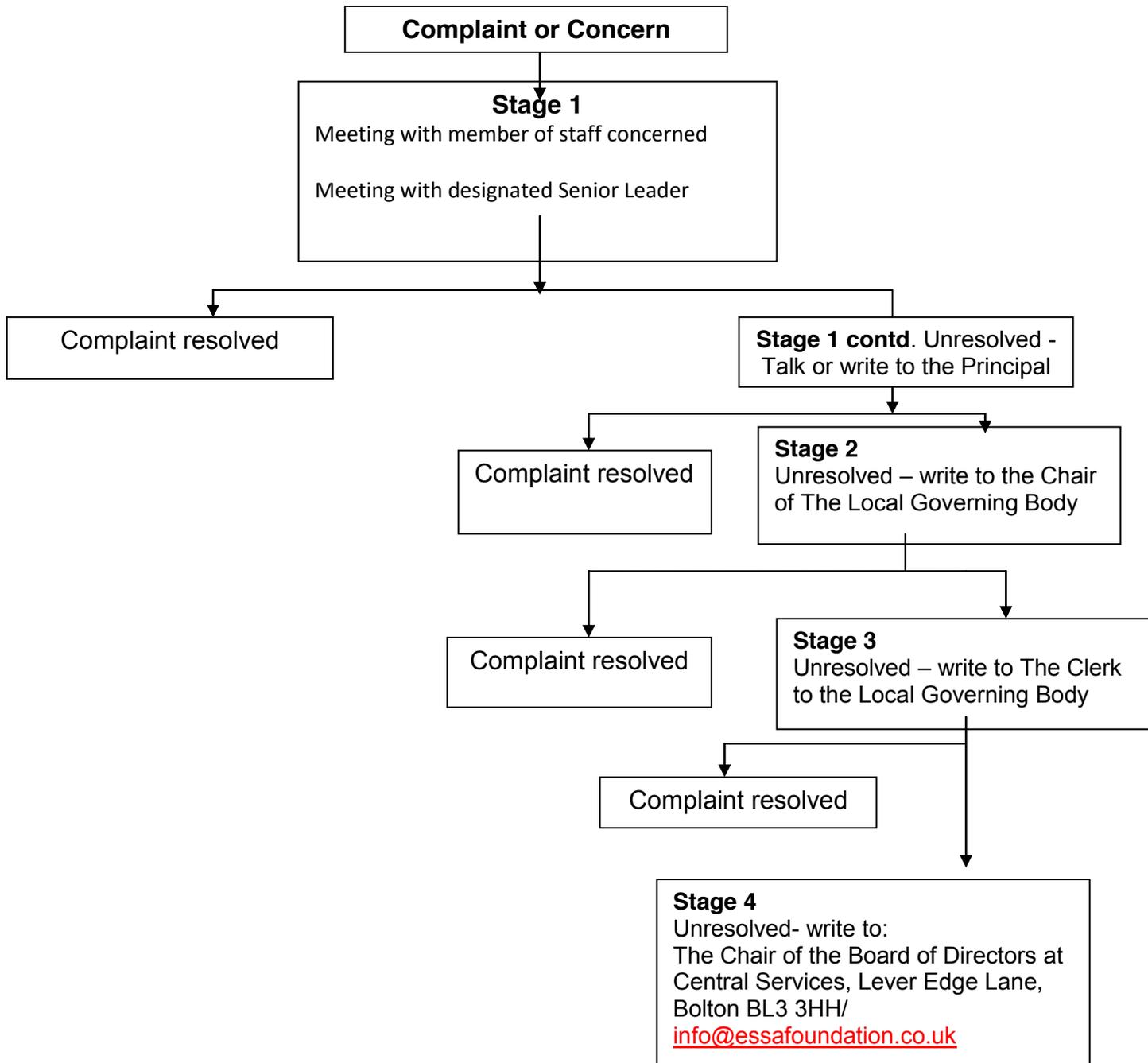
The Role of the Board of Directors

If you are dissatisfied with the decision of the panel, you can write to the Chair of the EFAT Board of Directors, by email to: info@essafoundation.co.uk and by post to Central Services, Lever Edge Lane, Bolton, BL3 3HH The Board of Directors will set up a panel to review how the Local Governing Body dealt with the complaint. Only in cases where the procedure has not been followed will the Local Governing Body be asked to reconsider the complaint from an appropriate stage.

If you wish to take the matter further the Education Funding Agency (EFA) handles complaints about academies and free schools on behalf of the Department for Education. You can contact the EFA and find out how they handle complaints online at www.education.gov.uk/help/contactus/efa or you can contact the Department for Education online at www.education.gov.uk

The diagram overleaf explains the different stages of the complaints process.

Process



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Complaint Form

Please complete and return, care of the academy- Lever Edge Lane, Bolton, BL3 3HH, to:

- Stage 1 complaint- the Principal
- Stage 2 complaint- the Chair of the Local Governing Body
- Stage 3 complaint- the Clerk to the Local Governing Body
- Stage 4 complaint- the Chair of the Board of Directors

The relevant person will acknowledge receipt of your complaint and explain what action will be taken.

Your name:

Address:

.....

.....

Postcode:

Daytime telephone number:

Evening telephone number:

If applicable, name(s) of child(ren) at the academy:

Please give details of your complaint:

*What action, if any, have you already taken to try and resolve your complaint?
(Who did you speak to and what was the response?)*

Your relationship to the academy e.g. parent/carer, student, local resident, or member of the public etc.

What actions do you feel might resolve the problem at this stage?

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

Signature:

Date:

Official Use:

Date of acknowledgement sent:

By whom:

Complaint referred to:

Date: