

Complaints Policy

Date approved by the Board of Directors	22 March 2019
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Date adopted by Essa Primary Local Governing Body	26 June 2019
Updated by Hill Dickinson:	January 2019
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ESSA FOUNDATION ACADEMIES TRUST

COMPLAINTS POLICY STATEMENT

1. Compliance

1.1. This complaints policy statement has been drafted with regard to the following statutory provisions and guidance:-

1.1.1. Education (Independent School Standards) (England) Regulations 2014

1.1.2. Education Funding Agency's guidance, "Creating an academy complaints procedure" 27 January 2015

2. About this policy

2.1. Essa Academy/Essa Primary ("the Academy") is committed to attaining and maintaining the highest standards achievable. There can be occasions when matters fall short of the required standard. This complaints policy has been prepared to allow anyone to raise any issues he/she has with the Academy, and provides a set of stages which will deal with complaints in an efficient and fair way.

2.2. There are three stages to the Academy's complaints policy. It is the Academy's aim to ensure that the vast majority of complaints raised are dealt with informally at Stage One.

2.3. In the event that the complaint cannot be resolved at an informal level, this policy sets out a formal procedure for complaints to be investigated and resolved.

2.4. "Academy days" means a school day during term time and does not include inset days, weekends, bank or public holidays or any other days that are outside term time.

3. Who this policy applies to

3.1. This policy applies to anyone who has a complaint regarding the students, employees, governors, premises or operation of the Academy, whether he/she is a parent or guardian of a student, or a member of the Academy's local community ("the Complainant").

3.2. This policy does not apply to complaints arising from:

3.2.1. admissions;

3.2.2. child protection and safeguarding;

3.2.3. exclusions;

3.2.4. school re-organisation proposals;

3.2.5. services provided by third party suppliers/contractors who may use the Academy's premises;

3.2.6. employee grievances and disciplinary procedures;

3.2.7. statutory assessment of special educational needs; and,

3.2.8. whistleblowing.

3.3. The [**Local Governing Body/Trust Board**] reserves the right to reject a complaint from a vexatious complainant.

4. **Stage One – informal**

4.1. The Complainant should first approach the form teacher of the student or alternatively another member of the Academy's employees ("Member of Staff"). If the Complainant is not a parent or guardian of a student, he/she should direct his/her complaint to the Principal.

4.2. The Complainant may raise his/her complaint in person, by telephone or in writing.

4.3. The Complainant should be prepared to give details of the circumstances which have given rise to the complaint that he/she wishes to raise, and express how he/she would like the matter to be dealt with or how he/she see a resolution being achieved. It may be necessary to put the details in writing ("the Complaint").

4.4. There may be some occasions where the Complaint can be resolved on the spot. If that is achievable, details of the concern and the resolution will be recorded by the Member of Staff for monitoring purposes.

4.5. There may be some complaints which require further enquiries, with accounts being taken from other parties involved. The Member of Staff dealing with the Complaint at Stage One will make a record of the issues raised, and will carry out those enquiries. The enquiries shall be concluded within five Academy days from the date when the Complaint was made.

4.6. Once the enquiries have been concluded, the Member of Staff will contact the Complainant and provide:

4.6.1. a summary of his/her understanding of the Complaint raised;

4.6.2. a summary of the information which he/she has discovered as part of his/her Stage One enquiries (if required to be undertaken);

4.6.3. provide the Academy's response to the Complaint and an explanation as to how the response has been reached;

4.6.4. confirm whether any action is to be taken; and,

4.6.5. confirm that the matter will be logged and that a record will be retained to ensure that steps can be taken to avoid the issue arising again.

5. **Stage Two – formal complaint**

5.1. If the Complainant is not satisfied that the matter has been resolved at Stage One, he/she can progress his/her Complaint to the formal procedure under Stage Two ("Stage Two Complaint").

5.2. The Complainant will be required to complete the Academy's Stage Two Complaint form. A copy of the form is attached at appendix one of this policy.

5.3. The completed form should be addressed to the Principal of the Academy. If the Complaint concerns the Principal the form should be addressed to the Chair of the [**Local Governing Body/Trust Board**].

5.4. The Stage Two Complaint form will be acknowledged in writing within three Academy days.

5.5. The Letter of Acknowledgement will provide:

- 5.5.1. the contact details of the Principal or the Chair of the [**Local Governing Body/Trust Board**]; and,
- 5.5.2. specify that the Complaint will be investigated within ten Academy days (“the Stage Two Investigation”).
- 5.6. During the Stage Two Investigation, the Complainant is required to keep the details of the Complaint private and confidential. This is to enable a just and fair investigation to be undertaken. Any steps taken by the Complainant which do not preserve the confidentiality of the Complaint may undermine the efficiency and effectiveness of the Stage Two Investigation.
- 5.7. The Principal or Chair of the [**Local Governing Body/Trust Board**] will be entitled to delegate the Stage Two investigation to another senior Member of Staff or governor, so long as he/she has not been involved with the Complaint at Stage One or in any other way (“the Investigating Officer”).
- 5.8. In the event that the Stage Two Complaint is about the Principal/Chair of the [**Local Governing Body/Trust Board**], or if the Principal/Chair of the [**Local Governing Body/Trust Board**] has dealt with the matter at Stage One, the Stage Two Complaint will be investigated by another member of the Academy’s senior management team or another member of the [**Local Governing Body/Trust Board**].
- 5.9. The Complainant will be invited to attend a meeting with the [**Principal/Chair of the Local Governing Body/Investigating Officer**] to discuss the Stage Two Complaint and the findings of the Stage Two Investigation (“Stage Two Meeting”).
- 5.10. The Stage Two Meeting will be arranged within five Academy days of the conclusion of the Stage Two Investigation, and not more than thirteen Academy days from the date of the Letter of Acknowledgement referred to at paragraph 5.5 of this policy.
- 5.11. The Complainant will be entitled to be accompanied at the Stage Two Meeting by one of the following:
 - 5.11.1. a relative;
 - 5.11.2. a friend; or,
 - 5.11.3. a representative.
- 5.12. At the Stage Two Meeting, a decision will be given regarding the outcome of the Stage Two Investigation and the decision of the Academy regarding the Stage Two Complaint. The decision will be confirmed in writing within five Academy days of the Stage Two Meeting.
- 5.13. Minutes of the Stage Two Meeting will be taken by an appropriate person appointed by the Principal or Chair of the [**Local Governing Body/Trust Board**].
- 5.14. A record of the Stage Two Complaint, along with any documentation prepared during the Stage Two Investigation, and the Stage Two Meeting minutes, will be retained by the Academy for six years.
6. **Stage Three – Complaints Panel**
 - 6.1. If the Complainant is not satisfied with the outcome at the conclusion of Stage Two, he/she may progress his/her Complaint to Stage Three (“the Stage Three Complaint”).
 - 6.2. The Complainant will be required to write to the Clerk of the [**Local Governing Body/Trust Board**] (“the Clerk”) to request that the Complaint be dealt with at Stage Three. (Contact details for the Clerk will be available from the Academy’s General Office or the Academy’s website).
 - 6.3. The Stage Three Complaint will be considered by a complaints panel (“the Panel”).

- 6.4. The Panel will have three members:
- 6.4.1. two members from the [**Local Governing Body/Trust Board**] who have had no involvement with the Stage Three Complaint at Stage One or Stage Two; and,
 - 6.4.2. one independent member who has no involvement with the management and running of the Academy.
- 6.5. Within three Academy days of a written request for the Complaint to be considered at Stage Three, the Clerk will acknowledge the request in writing and arrange for a meeting of the Panel to take place within ten Academy days (“the Panel Meeting”).
- 6.6. The Complainant and the Academy will be entitled to submit any relevant documentation for the Panel’s consideration. The documentation must be submitted to the Clerk three clear Academy days before the date of the Panel Meeting.
- 6.7. The Complainant and the Academy must provide copies to each other of any documents submitted for the Panel’s consideration three clear Academy days before the Panel Meeting.
- 6.8. The Complainant and the Academy will also be entitled to call any witnesses which each may reasonably require in order to support the submissions to the Panel. Details of the witnesses must be provided to the Clerk and other party three clear Academy days before the Panel Meeting.
- 6.9. The Panel Chair shall have an absolute discretion as to whether the Panel will consider any party’s documents or witnesses where there has been non-compliance with either paragraphs 6.6, 6.7 or 6.8 of this policy.
- 6.10. Minutes of the Panel Meeting will be taken by an appropriate person appointed by the Principal or Chair of the Governing Body.
- 6.11. At the Panel Meeting, the Chair of the Panel will explain how the Panel Meeting will be structured. The Panel will invite the Complainant to outline the Complaint, to refer the Panel to any of the documents submitted in compliance with paragraphs 6.6 and 6.7, and to call on any witnesses he/she has identified in accordance with paragraph 6.8 of this policy. The Complainant will be entitled to put questions to his/her witnesses. The Academy will also have the right to put questions to the Complainant’s witnesses once the Complainant has concluded his/her questions.
- 6.12. The Academy will be invited to make its submissions once the Complainant has concluded his/her submissions to the Panel.
- 6.13. The Panel will invite the Academy to outline its response to the Complaint, to refer the Panel to any of the documents submitted in compliance with paragraphs 6.6 and 6.7, and to call on any witnesses it has identified in accordance with paragraph 6.8 of this policy. The Academy will be entitled to put questions to its witnesses. The Complainant will also have the right to put questions to the Academy’s witnesses once the Academy has concluded its questions.
- 6.14. When the Panel has heard the Complainant and the Academy’s submissions, it will be entitled to adjourn to consider its decision.
- 6.15. If the Panel is able to, it will deliver its decision at the conclusion of the Panel Meeting. A copy of the decision will be provided in writing within five Academy days to the Complainant and the Principal of the Academy.
- 6.16. If the Panel is unable to reach a decision at the conclusion of the Panel Meeting, it will be entitled to adjourn the Panel Meeting and to deliver its decision in writing to the Complainant and the Principal of the Academy within five Academy days.

- 6.17. A record of the Stage Three Complaint, along with documentation submitted to the Panel, and the Panel Meeting minutes, will be retained by the Academy for six years.

7. Complaint to the Education Funding Agency

- 7.1. If the Complainant remains unsatisfied with the outcome of the Complaint at the conclusion of Stage Three, he/she may raise the Complaint with the Education Funding Agency (“EFA”).
- 7.2. Preferably, the Complainant should put the Complaint to the EFA in writing.
- 7.3. The Complaint can be submitted electronically using the Schools Complaint Form on the Department of Education’s website, or alternatively by sending it to the address below:

Ministerial and Public Communications Division
Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD

- 7.4. Further information about submitting a complaint to the EFA can be found on its website.

Appendix One

ESSA FOUNDATION ACADEMIES TRUST

ESSA ACADEMY/ESSA PRIMARY

STAGE TWO COMPLAINT FORM

Name of Complainant	
Complaint's Address	
Complaint's contact number	
Relationship to Academy	
Reason for complaint	

Details of complaint to be considered/investigation (continue on separate pages)

The Stage Two Complaint Form should be completed and sent to the Principal of the Academy. In the event that the complaint is about the Principal, the form should be sent to the Chair of the **[Local Governing Body/Trust Board]**.