

COMPLAINTS POLICY

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Policy

1 INTRODUCTION

Newquay Education Trust's schools are inclusive happy families in which everyone matters. We welcome feedback on the services we provide and should anyone be unhappy with any aspect of our academies it is important that we learn about this. This policy outlines how concerns and complaints will be dealt with by the academies.

2 PURPOSE AND SCOPE

2.1 The aim of this policy is to promote the early, effective and satisfactory resolution of concerns and complaints by providing a structured framework.

2.2 Students, as well as parents and staff, have legitimate rights to express concerns or to make a complaint, but maturity and understanding will vary from child to child, therefore, an academy will consider a complaint on its merits. Please note that a person does not have to be a parent or a student of the academy to express concerns or to make a complaint, but anonymous concerns or complaints cannot be dealt with under a complaints procedure, unless there are very exceptional reasons, such as Child Protections issues.

2.3 Parents, members of the community, staff and students should never feel, or be made to feel, that a complaint made in a reasonable and appropriate way will be taken amiss or will reflect adversely on the student or his/her opportunities at an academy. Our academies will investigate and try to resolve every complaint in a positive manner and will treat any complaint as an opportunity to improve our service.

2.4 Directors have an important role to play in considering complaints. However, it is important for complainants to understand that individual Directors must not investigate complaints outside this policy. All complaints should be dealt with through the following procedures.

2.5 We aim to resolve any complaints in a timely manner. Timescales for each stage of the procedure are set out below in the relevant paragraphs. For the purposes of this policy, an "academy day" is defined as a weekday during term time, when the academy is open.

2.6 Should a complaint, informal or formal, reveal an issue for which other procedures exist (for example Child Protection issues, criminal investigations or disciplinary procedures against a member of staff) then it will be dealt with under those policies and procedures rather than as a complaint.

2.7 To enable a proper investigation, concerns or complaints should be brought to the attention of the academy as soon as possible. In general, any matter raised more than 3 months after the event, being complained of, will not be considered.

3 POLICY STATEMENT

Newquay Education Trust recognises that situations may arise where a parent, member of the community, member of staff or student wishes to express concerns or to make a

complaint. The majority of issues raised are concerns rather than complaints and initial concerns will be taken seriously at the earliest stage, in the hope of keeping the number of formal complaints to a minimum and without the need for formal procedures. However, where an issue cannot be resolved by the process of Informal Resolution, it will be necessary to follow the process of Formal Resolution.

Procedure

4 STAGE 1 – INFORMAL RESOLUTION BY STAFF INCLUDING THE HEADTEACHER

4.1 It is hoped that most concerns can be resolved quickly and informally by the class teacher, Form Tutor, Head of Year, Head of Department, the Headteacher or other members of staff without the need to resort to a formal procedure. All academies value informal meetings and discussions and parents are requested to contact the class teacher, Form Tutor or Head of Department for concerns related to the classroom or the curriculum, or the Form Tutor or Head of Year for concerns relating to pastoral issues such as welfare, guidance and support. Informal Complaints may be referred to the Headteacher.

4.2 There is no suggested timescale for resolution at this stage given the importance of dialogue through informal discussion, although it would be expected that most issues would be resolved within **10 academy days**. Should this informal stage require more time then the academy will inform the complainant of this in writing (by letter or email) as soon as this is known.

4.3 The member of staff receiving concerns raised under the Informal Resolution stage of this procedure will make a written record of the concerns, the date on which they were received and the resolution.

4.4 Should these face-to-face discussions not resolve the matter within **10 academy days**, or appear unlikely to resolve matters, either party may initiate a move to the next stage of the procedure and refer their complaint to the Headteacher.

4.5 If you are uncertain about who to contact, please seek advice from the academy office.

5 FORMAL RESOLUTION

Stage 2 – Formal Complaint heard by the Chief Executive Officer

5.1 Where it has not been possible to resolve concerns through an informal approach, or it is considered inappropriate to deal with the matter on an informal basis, formal procedures should be invoked. A copy of the complaints policy will be forwarded to the complainant at this stage if it has not been provided as part of the Informal Resolution stage.

5.2 Formal complaints should be put in writing using the Stage 2 Complaints Form at Appendix 1. The complainant should set out the precise nature of the complaint on the form provided and return this to the Academy Complaints Officer. The complainant should keep a copy of this form and all other relevant correspondence. You should include details which might assist the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents.

It is very important that you include a clear statement of the actions that you would like the academy to take to resolve your concern. Without this, it is much more difficult to proceed.

5.3 Should a complaint be about a general matter, the Chief Executive Officer may be able to respond immediately, e.g. if it only requires an explanation of academy policy. For complaints that relate to specific actions or events, there is likely to be a need for further investigation in order to clarify the facts. The Chief Executive Officer will normally appoint a member of the Leadership Team as the 'Investigating Officer' to undertake this investigation.

5.4 All formal complaints will be acknowledged within **5 academy days** of receipt during term time and as soon as practicable during holiday periods. The acknowledgement will indicate the action that is being taken and the likely timescale for resolution.

5.5 The Investigating Officer may request additional information and will seek to meet or speak with all of the appropriate people in order to establish the facts relating to the complaint.

5.6 However, if in the early stages of the investigation, the Chief Executive Officer considers that the complaint is best dealt with at Stage 3, it will be passed to the Chair of the Board (or to the Clerk to the Board of Directors for the Chair's attention) and the complainant informed of this action without delay.

5.7 Should the Chief Executive Officer or a Director be the subject of a complaint, these will be dealt with under Stage 3 below. The complainant should send the Stage 3 Complaints Form (Appendix 2) directly to the Chair of the Board (or to the Clerk to the Board of Directors for the Chair's attention) c/o the academy marking the envelope 'Private and Confidential'.

5.8 Should the Chair of The Board be the subject of a complaint, the complainant should send the form directly to the Vice-Chair of The Board (or to the Clerk to the Board of Directors for the Vice-Chair's attention) c/o the academy marking the envelope 'Private and Confidential'.

5.9 Investigations at this stage should normally be completed within **20 academy days** of receipt of the complaint, unless there are circumstances that require a longer investigatory period. The complainant will be informed in writing should more time be required.

5.10 Once all the relevant facts have been established, the Chief Executive Officer will decide on one of the following two outcomes:-

- (a) Recommend that appropriate remedial action, necessary to resolve the complaint, be undertaken;
- or**
- (b) Confirm that all internal investigative measures have been exhausted and uphold the original informal response, if this had occurred.

5.11 The academy will aim to send a formal written response within **5 academy days** of the completion of the investigation, setting out the decision and the reasons for this. This gives a target of **5 academy weeks** for the completion of this stage of the procedure.

5.12 The Chief Executive Officer is responsible for keeping a formal written record of all complaints received by or referred to them under this stage of the procedure. The record will include the name of the complainant, the date the complaint was received and by who, the nature of the complaint, the date of its resolution and whether the complaint was resolved at the preliminary stage or progressed to a panel hearing. Written records will also be kept of any meetings and interviews held in relation to the complaint.

5.13 The Board of Directors will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. Complaints information shared with the whole Board of Directors will not name individuals.

5.14 Should the complainant be dissatisfied with the Stage 2 outcome, they may take the complaint to Stage 3 by giving notice of their intention within **10 academy days** of their receipt of the formal outcome. This notice should be made in writing using the Stage 3 Complaints Form at Appendix 2 to the Chair of The Board (or to the Clerk to the Board of Directors for the Chair's attention) c/o the academy marking the envelope 'Private and Confidential'.

Stage 3 – Review Process

If you are not satisfied with the manner in which the process has been followed, you may request that the Board of Directors reviews the process followed by the academy, in handling the complaint. Any such request must be made in writing to the clerk to the Board of Directors, within 10 school days of receiving notice of the outcome, and include a statement specifying any perceived failures to follow the procedure. The procedure described below will be followed. A Review Request form is provided for your convenience (Appendix 3).

Any review of the process followed by the academy will be conducted by a panel of 3 members of the Board of Directors. This will usually take place within 10 academy days of receipt of your request.

The review will normally be conducted through a consideration of written submissions, but reasonable requests to make oral representations should be considered sympathetically.

If the Review Process does not resolve the matter, the process may be referred to Stage 4 below.

Stage 4 – Formal Complaint heard by the Board of Directors Complaints Appeal Panel

5.15 Where the Chief Executive Officer has been unable to resolve a complaint to the satisfaction of the complainant, or where there is a complaint against the Chief Executive Officer or a Director, the complainant should write to the Chair of The Board (or to the Clerk to the Board of Directors for the Chair's attention) c/o the academy marking the envelope 'Private and Confidential' using the Stage 3 Complaints Form at Appendix 2, giving details of the complaint and including copies of all relevant documents.

5.16 Should the Chair of the Board be the subject of a complaint, the complainant should send the form directly to the Vice-Chair of the Board (or to the Clerk to the Board of Directors for the Vice-Chair's attention) c/o the academy marking the envelope 'Private and Confidential'.

5.17 The Chair of The Board (Vice-Chair), or a nominated Director, will convene a Complaints Appeal Panel to investigate the complaint. The Board of Directors will appoint at least three panel members not directly involved in the matters detailed in the complaint and who have no detailed previous knowledge of the complaint, one of whom will be independent of the management and running of the academy.

5.18 The Clerk to the Board should acknowledge all formal Stage 3 complaints within **5 academy days** of receipt and should inform the complainant of the arrangements for the hearing which will normally take place within **20 academy days** of receiving the complaint.

5.19 The complainant may wish to submit further written evidence to the panel and these documents must be received no later than **5 academy days** prior to the hearing to allow adequate time for them to be circulated.

5.20 If the panel deems it necessary, it may require that further particulars of the complaint or any related matter be supplied in advance of the hearing. Copies of such particulars shall be supplied to all parties not later than **3 academy days** prior to the hearing.

5.21 The complainant may be accompanied to the hearing by one other person, such as a relative or friend, and they must inform the Clerk to the Board of the name of the person accompanying them not later than **5 academy days** prior to the hearing. Legal representation will not normally be appropriate. Students (if appropriate to the complaint) may attend part or all of the hearing at the discretion of the Chair of the panel.

5.22 The Clerk to the Board will also attend the hearing in order to keep a record of the proceedings.

5.23 The Chair of the panel will conduct the hearing in such a way as to ensure that all those present have the opportunity to ask questions and make comments in an appropriate manner. The hearing is not a legal proceeding and the panel shall be under no obligation to hear oral evidence from witnesses, but may do so.

5.24 The Chair of the panel may, at their discretion, adjourn the hearing for further investigation of any relevant issue.

5.25 After due consideration of the matters discussed at the hearing, the Panel may:

- 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 occur again.

5.26 The panel's decision, findings and any recommendations will be confirmed in writing to the complainant and, where relevant, the person complained about within **5 academy days** of the hearing. This gives a target of **5 academy weeks** for the completion of this stage of the procedure.

5.27 The decision, findings and any recommendations will be made available for inspection on the academy premises by the Board of Directors and the Chief Executive Officer.

5.28 The Board of Directors is responsible for keeping a formal written record of all complaints received by or referred to them under this stage of the procedure. The record will include the name of the complainant, the date the complaint was received and by who, the nature of the complaint, the date of its resolution and whether the complaint was resolved at the preliminary stage or progressed to a panel hearing. A formal written record will also be kept of the hearing and all associated documentation and correspondence.

5.29 The Board of Directors will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. Complaints information shared with the whole Board of Directors will not name individuals.

5.30 Complainants who have exhausted all academy-based stages and consider that the academy has not investigated the complaint in a fair and reasonable matter, may take the complaint to Stage 4 – Referral to the Education & Skills Funding Agency (ESFA).

Stage 5 - Referral to the Education & Skills Funding Agency (ESFA)

5.31 If, after the Board of Directors Complaints Appeal Panel, complainants are still not satisfied they may refer their complaint to the Education & Skills Funding Agency (ESFA) who will consider the complaint on behalf of the Secretary of State in accordance with their 'Procedure for dealing with complaints about Academies'. A copy of this procedure is attached. Contact details for the ESFA, as shown in the procedure attached, are:

Online via:

www.education.gov.uk/aboutdfe/complaintsprocedure/b00212240/making-complaint-school

6 RECORDING COMPLAINTS

6.1 A formal written record will be kept of all complaints received. The record will include the name of the complainant, the date the complaint was received and by who, the nature of the complaint, the date of its resolution and whether the complaint was resolved at the preliminary stage or progressed to a panel hearing.

6.2 Correspondence, statements and records relating to individual complaints will be kept confidential as required by the academy in paragraph 25(k) of the Education (Independent Schools Standards) (England) Regulations 2010, except where the Secretary of State or a body conducting an inspection under section 162A of the 2002 Act requests access to them, or where any other legal obligation prevails.

6.3 The academy's complaints procedure is published on the academy's website. A copy of the procedure is also available to view at the academy at all times during the academy day.

6.4 Information regarding the number of complaints registered under the formal procedure during the preceding academic year is also available.

6.5 The Board of Directors will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. Complaints information shared with the whole of the Board of Directors will not name individuals.

7. VEXATIOUS COMPLAINTS/HARASSMENT

7.1 If, at any stage, the Chief Executive Officer or Chair of the Board feels that a concern or complaint is vexatious, has insufficient grounds, has already been considered in full or has been closed, the Chief Executive Officer or Chair of the Board may write to the individual to refuse to consider their concern or complaint under this policy and the reasons why they are refusing to do so. In this eventuality the complainant may refer their complaint to the Education & Skills Funding Agency (ESFA) as shown at the end of this policy.

7.2 The Chief Executive Officer and the Board of Directors are fully committed to the improvement of our academy. We welcome feedback from parents/carers and will always try to resolve any concerns as quickly as possible. There is a procedure for parents to use if they wish to make a formal complaint.

Sometimes, however, parents or carers pursuing complaints or other issues treat staff and others in a way that is unacceptable. Whilst we recognise that some complaints may relate to serious and distressing incidents, we will not accept threatening or harassing behaviour towards any members of the academy community.

What do we mean by 'an unreasonably persistent complainant'?

An unreasonably persistent complainant may be anyone who engages in unreasonable behaviour when making a complaint. This will include persons who pursue complaints in an unreasonable manner.

Unreasonable behaviour may include:

- actions which are
 - out of proportion to the nature of the complaint, or
 - persistent – even when the complaints procedure has been exhausted, or
 - personally harassing, or
 - unjustifiably repetitious
- an insistence on
 - pursuing unjustified complaints and/or
 - unrealistic outcomes to justified complaints
 - pursuing justifiable complaints in an unreasonable manner (e.g. using abusive or threatening language; or
 - making complaints in public or via a social networking site such as Facebook; or
 - refusing to attend appointments to discuss the complaint.

What is 'harassment'?

We regard harassment as the unreasonable pursuit of issues or complaints, particularly if the matter appears to be pursued in a way intended to cause personal distress rather than to seek a resolution.

Behaviour may fall within the scope of this policy if:

- it appears to be deliberately targeted at one or more members of academy staff or others, without good cause;
- the way in which a complaint or other issues is pursued (as opposed to the complaint itself) causes undue distress to academy staff or others;
- it has a significant and disproportionate adverse effect on the academy community.

What does the academy expect of any person wishing to raise a concern?

The academy expects anyone who wishes to raise concerns with the academy to:

- treat all members of the academy community with courtesy and respect;
- respect the needs of pupils and staff within the academy;
- avoid the use of violence, or threats of violence, towards people or property;
- recognise the time constraints under which members of staff in academies work and allow the academy a reasonable time to respond to a complaint;
- follow the academy's complaints procedure.

However, in cases of unreasonably persistent complaints or harassment, the academy may take some or all of the following steps, as appropriate:

- inform the complainant informally that his/her behaviour is now considered by the academy to be unreasonable or unacceptable, and request a changed approach;
- inform the complainant in writing that the academy considers his/her behaviour to fall under the terms of the Unreasonably Persistent Complaints/ Harassment Category.
- require all future meetings with a member of staff to be conducted with a second person present. In the interests of all parties, notes of these meetings may be taken;
- inform the complainant that, except in emergencies, the academy will respond only to written communication and that these may be required to be channelled through the Chief Executive Officer.

Physical or verbal aggression

The Board of Directors will not tolerate **any** form of physical or verbal aggression against members of the academy community. If there is evidence of any such aggression the academy may:

- ban the individual from entering the academy site, with immediate effect;
- request an Anti-Social Behaviour Order (ASBO);
- prosecute under Anti-Harassment legislation.
- call the police to remove the individual from the premises, under powers provided by the Education Act 1996.

Legitimate new complaints will always be considered, even if the person making them is (or has been) subject to the Unreasonably Persistent Complaints/ Harassment Policy. The Academy nevertheless reserves the right not to respond to communications from individuals subject to the policy.

NEWQUAY EDUCATION TRUST

STAGE 2 COMPLAINTS FORM

Please complete and return to: **Academy Complaints Officer, c/o the academy, marking the envelope 'Private and Confidential'** who will acknowledge receipt and explain what action will be taken.

Name of Academy:
Your name:
Student's name (if applicable):
Your relationship to the student:
Address:
Postcode:
Daytime telephone number:
Evening telephone number:
Please give details of your complaint (attach additional sheets of paper if necessary).

(cont...)

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

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 ONLY:

Date acknowledgement sent:

By who:

Complaint referred to:

Date:

NEWQUAY EDUCATION TRUST

STAGE 3 COMPLAINTS FORM

Please complete and return to: **Chair of The Board, c/o the academy, marking the envelope 'Private and Confidential'**, who will acknowledge receipt and explain what action will be taken.

Name of Academy:
Your name:
Student's name (if applicable):
Your relationship to the student:
Address:
Postcode:
Daytime telephone number:
Evening telephone number:
Please give details of your complaint (attach additional sheets of paper if necessary).

(cont...)

What action, if any, have you already taken to try and resolve your complaint.

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

List of paperwork attached:

Signature:

Date:

OFFICIAL USE ONLY:
Date acknowledgement sent:
By who:
Complaint referred to:
Date:

NEWQUAY EDUCATION TRUST COMPLAINT REVIEW REQUEST FORM

Please complete this form and return it to the **Chief Executive Officer (or Clerk to the Board of Directors) c/o the academy, marking the envelope 'Private and Confidential'**, who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name:

Your Address:

Telephone numbers:

Daytime:

Evening:

e-mail address:

Dear Sir

I submitted a formal complaint to the academy on and am dissatisfied by the procedure that has been followed.

My complaint was submitted to and I received a response from..... on

I have attached copies of my formal complaint and of the response(s) from the academy.

I am dissatisfied with the way in which the procedure was carried out, because:

You may continue on separate paper, or attach additional documents, if you wish.

Company Name: Newquay Education Trust

Company Address: Newquay Tretherras, Trevenson Road, Newquay, Cornwall TR7 3BH

Company No: 8961355 A company limited by guarantee, registered in England and Wales - An Exempt Charity.

Number of Additional pages attached =

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

Signature:

Date:

OFFICE USE ONLY

Date Form received:

Received by:

Date acknowledgement sent:

Acknowledgement sent by:

Request referred to:			
Date:			

Company Name: Newquay Education Trust

Company Address: Newquay Tretherras, Trevenson Road, Newquay, Cornwall TR7 3BH

Company No: 8961355 A company limited by guarantee, registered in England and Wales - An Exempt Charity.

NEWQUAY EDUCATION TRUST COMPLAINTS POLICY - CONTACT DETAILS

Academy names and contact details:

Mr A Edmonds
Headteacher
Brannel School
Rectory Road,
St. Stephen
PL26 7RN

Mr C Hayes
Headteacher
Newquay Junior Academy
Edcumbe Avenue
Newquay
TR7 2NL

Mrs S Fairbairn
Headteacher
Newquay Tretherras
Trevenson Road
Newquay
TR7 3BH

Stage 2 onwards

Academy Complaints Officer Name: Mrs S Karkeek
Chief Executive Officer

Please mark all correspondence '**Private & Confidential**'