



**PADGATE
ACADEMY**

Complaints Policy

Date approved by the Governing Body	13 February 2019
Signature of Chair of Padgate Academy Governing Body	Mr G. Wilson
Signature of Academy Principal	Mrs M. Barclay
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Complaints Policy

1.0 Introduction

This policy should be used in conjunction with the DfE Guidance (Creating an academy Complaints Procedure – 27 January 2015) and alongside the Academy's Home/School Agreement and also meets the standards set out in the Education (Independent School Standards (England) Regulations 2014) schedule 1, point 7.

1.1 The majority of issues raised by parents, or students, are concerns rather than complaints. The Academy is committed to taking concerns seriously, at the earliest stage, in the hope of keeping the number of formal complaints to a minimum and without recourse to formal procedures. However, in those instances where a parent does not feel a concern has been addressed, or it is of sufficient gravity, then the Academy's formal complaints procedure should be used. The prime aim of the Academy's policy is to resolve the complaint as fairly and speedily as possible. Formal complaints will be dealt with in a sensitive, impartial and confidential manner.

1.2 Academies might wish to nominate a member of staff to have responsibility for the operation and management of the Academy complaints procedure. At Padgate Academy, this will be the Principal or a designated member of the Senior Leadership Team.

1.3 DfE Guidance - The policy is available on request to parents of students at the Academy and to parents of prospective students, on request. It is available also via the website. Written records of all complaints indicating whether they were resolved at the preliminary stage or whether they proceeded to a panel hearing will be kept.

2.0 Formal Complaints Procedure: Stages

2.1 The following details outline the stages that can be used to resolve parental complaints. In summary they are as follows:-

Stage 1 – A concern is raised informally with an appropriate member of staff. If the matter is not resolved, then it goes to:-

Stage 2 – The Academy receives a formal written complaint. If the matter is not resolved, then the complaint goes to:-

Stage 3 – The Principal hears the details of the complaint and arranges a further investigation. If the matter is still not resolved, then the complaint goes to:-

Stage 4 - The Governing Body's Complaints' Panel for a formal hearing of the complaint.

2.2 Stage 1 – Raising a concern

Concerns can be raised with the Academy at any time and will often generate an immediate response, which will resolve the concern. Apart from the Academy's normal Parent Evenings, or other arranged meetings with specific staff, the Academy requests that parents make their first contact with their son's/daughter's Form Tutor or designated member of staff, which in the next instance is the Head of Department. On some occasions, the concern raised may require investigation, or discussion with others, in which case there will be an informal but informed response **within a day or two**. It is anticipated that the vast majority of concerns will be satisfactorily dealt with in this way.

2.3 Stage 2 – Making a complaint

Formal complaints should be put in writing and sent to the Academy, addressed either to the Principal or a designated member of staff. The complaint will be logged, including the date it was received. The Academy will normally acknowledge receipt of the complaint within **two working days** of receiving it. In many cases this response will also report on the action the Academy has taken to resolve the issue. Alternatively, a meeting may be convened to discuss the matter further. This meeting will normally take place **within five working days** of the receipt of the formal complaint. If, on the other hand, it is felt that the matter is too serious to be dealt with at this stage, then the matter will be passed directly to the Principal* (see stage 3 below). The aim will be to resolve the matter as speedily as possible.

2.4 Stage 3 – Further Investigation

If the matter has not been resolved at Stage 2, or it is felt that the matter is too serious to be dealt with at Stage 2, the Principal, or another designated member of staff, will undertake a further investigation. Following the investigation, the Academy will normally give **a verbal or written response within five working days**.

***N.B.** In cases where the matter concerns the conduct of the Principal, both the Governing Body and the Principal will be informed of the complaint and the Governors will arrange for the matter to be further investigated. The Academy will normally give a response within **five working days**.

At each stage of the process the complainant will be asked to confirm whether or not the matter has been resolved.

2.5 Stage 4 – Complaints' Panel

If the matter has still not been resolved at Stage 3, then the Academy will advise the complainant of the right to refer to the Governing Body **who will establish a panel of at least 2 governors and an independent person who has not been directly involved in the matters detailed in the complaint**. Complainants should send their written complaint to the Chair of Governors asking for the matter to be considered by the **Governors' Complaints' Panel** with delegated powers to hear complaints. The hearing will normally take place **within ten working days** of the receipt of the written request for Stage 4 investigation. **3 Parents will be allowed to attend the panel hearing and may be accompanied if they so wish.**

The panel can:

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

There are several points which any governor sitting on a complaints panel needs to remember:

- a. It is important that the appeal hearing is independent and impartial and that it is seen to be so. No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, governors need to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender, gender orientation and religious affiliation.
- b. The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the Academy and the complainant. However, it has to be recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
- c. Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be Page 6 of 12 helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.
- d. Where the complainant is a parent they should be allowed to attend the panel hearing, and, if they wish, to be accompanied.
- e. The governors sitting on the panel need to be aware of the complaints procedure.

The aim of the panel hearing is to impartially resolve the complaint and to achieve reconciliation between the Academy and the complainant. All parties will be notified of the Panel's decision in writing **within five working days** after the date of the hearing. The letter will also contain details of any further rights of redress available.

The panel will make findings and recommendations and these will be sent by electronic mail or otherwise to the complainant and where relevant, the person complained about. They will also be available for the Principal and the Chair of Governors to inspect.

NB:

- i. **Written records are kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing.**

- ii. **All correspondence, statements and records of complaints are to be kept confidential (except where the Secretary of State or a body conducting an inspection under section 162 of the 2002 Act requests access to them).**
- iii. **The Governors' hearing is the last Academy-based stage of the complaints' process.**

3.0 Monitoring, Evaluation and Review

The Governing Body monitors the complaints procedure, in order to ensure that all complaints are handled properly. The Principal logs all formal complaints received by the Academy and records how they were resolved. Governors examine this log on an annual basis and consider the need for any changes to the procedure. The policy will be promoted and implemented throughout the Academy.

The governors' panel hearing is the last Academy-based stage of the complaints process, and is not convened to merely rubber-stamp previous decisions.

4.0 Roles and Responsibilities

4.1 The Role of the Clerk

The Clerk is the contact point for the complainant and required to:

- i. 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;
- ii. collate any written material and send it to the parties in advance of the hearing;
- iii. meet and welcome the parties as they arrive at the hearing;
- iv. record the proceedings;
- v. notify all parties of the panel's decision

4.2 The Role of the Chair of the Governing Body or the Nominated Governor

The Nominated Governor role:

- a) check that the correct procedure has been followed;
- b) if a hearing is appropriate, notify the Clerk to arrange the panel;

4.3 The Role of the Chair of the Panel

The Chair of the Panel has a key role, ensuring that:

- i. the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- ii. the issues are addressed;
- iii. key findings of fact are made;
- iv. parents and others who may not be used to speaking at such a hearing are put at ease;
- v. the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- vi. the panel is open minded and acting independently;
- vii. no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- viii. each side is given the opportunity to state their case and ask questions;
- ix. written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it. All relevant documentation is kept confidential
- x. **recommendations and findings should be recorded and distributed as appropriate**

4.4 Notification of the Panel's Decision

The Chair of the Panel needs to ensure that the complainant, Chair of Governors, and where relevant, the person complained about is notified of the panel's decision, findings and recommendations, by electronic mail or otherwise, within **5 working days**. A copy of the findings and recommendations should be available for inspection on the Academy premises by the Chair of Governors and Principal. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed

Further help and guidance can be found on;

<https://www.gov.uk/government/organisations/department-for-education/about/complaints-procedure>

5.0 Complaint Form (Stage 2 onwards)

Please complete and return to the Principal's P.A. at Padgate Academy, Insall Road, Padgate, Warrington. WA2 0LN (e-mail: info@padgateacademy.co.uk) who will acknowledge receipt and explain what action will be taken.

Your name:
Students name:
Your relationship to the student:
Address:
Postcode:
Day time telephone number:
Evening telephone number:
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?

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

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

Signature:

Date:

Office use:

Date acknowledgement sent:

By who:

Complaint referred to:

Date:

6.0 Model Letters (Stage 4)

Letter of Acknowledgement to Complainant regarding establishment of Governing Body Complaints Panel

Dear

Re: Parental Complaint from Mr/Mrs/Ms/Miss

I am writing with regard to your complaint, which has been passed to me by the Chair of Governors/Name of Designated Governor and will now be considered by a panel of governors under the Academy's complaints procedure. The panel must consider your complaint **within 10 working days** of receiving it, and give you at least five days' notice of the date of the meeting. The panel has asked me to invite you to attend a meeting at (time) on (date) at the Academy, (or other venue as appropriate). You are entitled to have a friend or a representative attend this meeting with you.

I have enclosed copies of the relevant correspondence, reports and documentation about the complaint with this letter.

Please let me know if:

- there is any other documentation you wish the panel to consider
- there are any witnesses you want to bring to the meeting
- you want to have a friend or representative with you
- you are unable to attend on this date

You can contact me by writing to....., or by telephoning me on (number), or by email at

I enclose a copy of the 'Procedure for a Governing Body Complaints Panel Hearing' for your Information.

Yours sincerely

Clerk of the Governing Body Complaints Panel

Letter from Chair of Governing Body Complaints Panel to Complainant following Hearing

Dear

Re: Parental Complainant from Mr/Mrs/Ms/Miss

Thank you for attending the hearing of the Governing Body Complaints Panel on
I am writing on behalf of the Panel to let you know its conclusion(s).

The Panel has given careful consideration to your complaint about, which raises the following issues:

1.
2. etc.

The Panel's conclusion(s) are as follows:

Issue 1

As regards your complaint that, the Panel considered the following factors:

In the light of these considerations, the Panel does/does not uphold this aspect of your complaint.

Issue 2

As regards your complaint that, the Panel considered the following factors:

In the light of these considerations, the Panel does/does not uphold this aspect of your complaint.

In addition to its conclusions on your complaint, the Committee will also be making the following recommendations to the full Governing Body: (N.B. There is no obligation to make recommendations)

This completes the Panel's conclusions.

Finally, please note that the hearing of the Governing Body Complaints Panel and the appointed documentation must be treated as confidential by all parties, including yourself.

If you are unhappy with the findings of the panel you may appeal to The Secretary of State, Children, Schools and Families, Sanctuary Buildings, Great Smith Street, London, SW1 3BT, on the grounds that the Governing Body has failed to discharge a statutory duty or that the Governing Body had acted, or was proposing to act, unreasonably.

Yours sincerely

Chair of Governing Body Complaints Panel