



# **Concerns and Complaints Policy**

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**Newbury Academy Trust**

September 2017

## 1 Introduction

- 1.1 Academy", "Academy Trust" all refer to Newbury Academy Trust, Love Lane, Newbury, Berkshire, RG14 2DU. School refers to one of the three schools within the Newbury Academy Trust, Trinity School, Love Lane, Newbury, Berkshire, RG14 2DU; Fir Tree School, Fir Tree Lane, Newbury, Berkshire, RG14 2RA; Speenhamland School, Pelican Lane, Newbury, Berkshire, RG14 1NU.
- 1.2 The term Governor refers to both Full Governing Body Trustees and Local Governing Body Governors.

## 2. Aims

- 2.1 The Newbury Academy Trust aims to ensure that any concern or complaint is managed sympathetically, efficiently, quickly and at the appropriate level and resolved as soon as possible. We will try to resolve every concern or complaint in a positive way with the aim of putting right a matter which may have gone wrong and, where necessary, we will review our systems and procedures in light of the circumstances of the complaint.
- 2.2 We recognise that a difficulty which is not resolved quickly and fairly can soon become a cause of resentment and so we need to know as soon as possible if there is any cause for dissatisfaction. Parents and pupils should never feel that a complaint will be taken amiss or will adversely affect a student or his / her opportunities at this School. This policy distinguishes between a concern or difficulty which can be resolved informally and a formal complaint which will require investigation.
- 2.3 **Parent(s) / You:** Includes a current parent or legal guardian or education guardian, and may at our discretion include a parent whose child has recently left the School.
- 2.4 We aim to resolve any complaints in a timely manner. Timescales for each stage are set out below in the relevant paragraphs. When we refer to working days, we mean Monday to Friday, when the School is open during term time. The dates of terms are published on the School's website.

## 3. Management of complaints

- 3.1 The School's complaints procedure has four stages:
- 3.1.1 **Stage 1:** informal raising of a concern or difficulty with a member of staff orally or in writing - further details of this procedure are set out in Appendix 1.
- 3.1.2 **Stage 2:** a formal complaint in writing to the Headteacher - further details of this procedure are set out in Appendix 2.
- 3.1.3 **Stage 3:** a renewed complaint in writing to the Chair of the Governing Body - further details of this procedure are set out in Appendix 3.
- 3.1.4 **Stage 4:** a reference to the Complaints Panel - further details of this procedure are set out in Appendix 4.

3.2 Separate procedures apply in the event of a child protection issue, an issue regarding admissions or if the Headteacher excludes a pupil from the School.

#### 4. Confidentiality

4.1 A written record will be kept of all complaints, and of whether they were resolved at Stage 1, Stage 2, Stage 3 or proceeded to a Panel hearing. The number of formal complaints registered during the preceding school year will be supplied to parents on request.

4.2 Correspondence, statements and records relating to individual complaints will be kept confidential except where access is requested by the Secretary of State or where disclosure is required in the course of a school's inspection or under other legal authority.

4.3 In accordance with data protection principles, details of individual complaints will be kept only for as long as is considered to be reasonably necessary in the **circumstances**.

#### 5. Complaints to the Education Funding Agency

5.1 If you are dissatisfied with the decision of the Complaints Panel, you may contact the Education Funding Agency (**EFA**) which will consider the complaint on behalf of the Secretary of State. The EFA's contact details are as follows:

**Email:** via the Department for Education's [schools complaints form](#)

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

**Telephone:** 0370 000 2288 (ask for the EFA Academies Central Unit)

<b>Authorised by</b>	Resolution of the Board of Trustees
<b>Date</b>	11 <sup>th</sup> October 2017
<b>Effective Date of the Policy</b>	12 <sup>th</sup> October 2017
<b>Effective Date for Review</b>	11 <sup>th</sup> October 2019

## Appendix 1 Stage 1: dealing with concerns and difficulties informally

### 1 Informal resolution of a concern

- 1.1 We expect that most concerns can be resolved informally. For example, dissatisfaction about some aspect of teaching or pastoral care or a billing error should be able to be resolved by the relevant member of staff. Complaints of discrimination, harassment or victimisation are taken very seriously and may need to be dealt with at Stage 2 without action at Stage 1.

### 2 Who to contact

- 2.1 Where appropriate, concerns should initially be raised as follows:
- 2.1.1 **Educational issues:** if the matter relates to the classroom, the curriculum or special educational needs, please speak or write to the relevant class teacher.
  - 2.1.2 **Pastoral care:** for concerns relating to matters outside the classroom, please speak or write to the class teacher.
  - 2.1.3 **Disciplinary matters:** a problem over any disciplinary action taken or a sanction imposed should be raised first of all with the member of staff who imposed it.
- 2.2 A concern provided in writing will be acknowledged by telephone, email or letter within two working days of receipt during term time and as soon as practicable during the holidays. A matter raised orally will not necessarily be acknowledged in writing.
- 2.3 A concern which has not been resolved by informal means within 15 working days should be notified in writing as a formal complaint using the procedure set out in Appendix 2.

## **Appendix 2 Stage 2: formal complaint**

### **1 How to make a formal complaint**

- 1.1 If a parent is dissatisfied with the response to the complaint under Stage 1, or the complaint requires investigation or involves dissatisfaction with some aspect of the School's policies or management, the complaint should be made under Stage 2.
- 1.2 The full details of the complaint should be set out in writing and sent with all relevant documents and full contact details to the Headteacher.
- 1.3 The complaint will be acknowledged by telephone, email or letter within two working days during term time, and as soon as practicable during the holidays, indicating the action that is being taken and the likely time scale.

### **2 Investigation**

- 2.1 The Headteacher may ask a senior member of staff to act as Investigator and / or may involve one or more Governors. The Investigator(s) may request additional information from you and will probably wish to speak to you personally and to others who have knowledge of the circumstances. Written records will be kept of all meetings and interviews held in relation to the complaint. The Investigator(s) will prepare a report on the investigation which will be considered by the Head.

### **3 Decision**

- 3.1 The Head will then notify the complainant by telephone, email or letter of her decision and the reasons for it within 10 working days from the receipt of the complaint. Where there are exceptional circumstances resulting in a delay, the parents will be notified of this and informed of the new timescales as soon as possible.
- 3.2 Please note that any complaint received within one month of the end of a term or half term is likely to take longer to resolve owing to the presence of school holidays and the unavailability of personnel required for the investigation to be undertaken properly.
- 3.3 Where a complaint is made by a parent in the EYFS setting, the complaint will be investigated in accordance with this procedure and the complainant notified of the outcome within 28 days of the complaint being received.
- 3.4 If a parent is dissatisfied with the Headteacher's decision, the complaint may be renewed in writing to the Chair of the Governing Body using the procedure set out in Appendix 3.

### **Appendix 3 Stage 3: reference to the Chair of Governing Body**

- 1 If a parent is dissatisfied with the Headteacher's decision under Stage 2, the complaint may be renewed in writing to the Chair of the Governing Body.
- 2 To refer the complaint to the Chair of Governors', the request should be put in writing to the Chair of Governors within five working days of receiving the Head's decision. The letter should give full details of the complaint and enclose all relevant documents, together with full contact details.
- 3 This request will be acknowledged by telephone, email or letter within four working days during term time and as soon as practicable during the holidays, indicating the action that is being taken and the likely time scale.
- 4 The complaint will be investigated following procedures equivalent to those under Stage 2 set out in Appendix 2.
- 5 When the Chair of Governors is satisfied that he/she has established all the material facts, so far as is practicable, he / she will notify the complainant in writing of his / her decision and the reasons for it. He / she will aim to provide a response within ten working days of receiving the letter during term time and as soon as practicable during the holidays.
- 6 If a parent is not satisfied with the decision of the Chair of Governors, the parent can request that the complaint be referred to the Complaints Panel using the procedure set out.

## **Appendix 4 Stage 4: Complaints Panel**

### **1 What is a Complaints Panel hearing?**

- 1.1 A Complaints Panel hearing is a review of the decisions taken by the Headteacher and the Chair of Governors. The Panel will not consider any new areas of complaint which have not been previously raised as part of the complaints procedure.
- 1.2 The role of the Panel is to establish the facts surrounding the complaints that have been made by considering:
  - 1.2.1 the documents provided by both parties; and
  - 1.2.2 any representations made by the Parents, the Headteacher and the Chair of Governors;and to reach a decision, on the balance of probabilities, as to whether each complaint is made out.
- 1.3 It is not within the powers of the Panel to make any financial award, nor to impose sanctions on staff, pupils or parents. The Panel may make recommendations on these matters or any other issues to the Headteacher and / or to the Governing Body, as appropriate.

### **2 How to request a Complaints Panel hearing**

- 2.1 A request for a hearing before the Complaints Panel must be put in writing to the Clerk to the Governors within five working days of the decision complained of. The request will usually only be considered if the procedures at Stages 1 and 2 and Stage 3 have been completed.
- 2.2 The written request should include:
  - 2.2.1 a copy of all relevant documents and full contact details;
  - 2.2.2 details of all the grounds of the complaint and the outcome desired;
  - 2.2.3 a list of the documents which the parents believe to be in the School's possession and wish the Panel to see; and
  - 2.2.4 whether you propose to be accompanied to the hearing by someone who is legally qualified (see paragraph 3.3 below).
- 2.3 If assistance with the request is required, for example because of a disability, please inform the Clerk to the Governors of this and he / she will be happy to make appropriate arrangements.
- 2.4 The Clerk to the Governors will acknowledge the request for a hearing in writing within two working days of receipt during term time and as soon as practicable during the holidays.
- 2.5 Every effort will be made to enable the hearing to take place within 15 working days of receipt of the request. However, note that the Panel will not normally sit during half terms or school holidays.

### **3 Planning the hearing**

- 3.1 As soon as reasonably practicable, and in any event at least ten working days before the hearing, the Clerk to the Governors will send written notification to each party of the date, time and place of the hearing.
- 3.2 Copies of any additional documents you wish the Panel to consider should be sent to the Clerk to the Governors to be received at least five working days prior to the hearing.
- 3.3 You may be accompanied to the hearing by another person, for example a relative, teacher or friend. The Panel hearing is not legal proceedings and so legal representation is not usually necessary. If you do wish to be accompanied by someone who is legally qualified, you should have notified the Clerk to the Governors of this in your initial request for a Panel hearing. If you did not do so and you wish to be accompanied by a legally qualified person, you must inform the Clerk to the Governors of this at least five working days prior to the hearing.
- 3.4 The Clerk to the Governors will circulate a copy of the bundle of documents to be considered by the Panel to all parties at least three working days prior to the hearing.

### **4 Composition of the Panel**

- 4.1 The Panel will normally comprise three individuals who have no detailed prior knowledge of the circumstances on the complaint, including Governing Body members and at least one independent member who has no connection with the governance, management and running of the Academy.
- 4.2 The parents may ask the Clerk to the Governors to tell them who has been appointed to sit on the Panel ahead of the hearing.
- 4.3 The Panel members will choose one of themselves to be the Chair of the Panel throughout the proceedings.

### **5 The Panel hearing**

- 5.1 The hearing will be conducted in an informal manner.
- 5.2 All those present at the hearing shall 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 and / or may take written statements into account.
- 5.3 All statements made at the hearing will be unsworn. All present will be entitled, should they wish, to write their own notes for reference purposes. A clerk appointed by the Panel will take a handwritten minute of the proceedings.
- 5.4 All those attending the hearing are expected to show courtesy, restraint and good manners or, after due warning, the hearing may be adjourned or terminated at the discretion of the Chair. If terminated, the original decision will stand. Any person who is dissatisfied with any aspect of the way the



hearing is conducted must say so before the proceedings go any further and his / her comment will be minuted.

- 5.5 The Chair may, at his / her discretion, adjourn the hearing for further investigation of any relevant issue. This may include an adjournment to take legal advice.
- 5.6 A hearing before the Complaints Panel is a private proceeding. No notes or other records or oral statements about any matter discussed in or arising from the proceeding shall be made available directly or indirectly to the press or other media.

## **6 The decision**

- 6.1 The Panel will reach a decision on a balance of probabilities unless there is an agreed position.
- 6.2 The decision, findings and any recommendations will be confirmed in writing to you by electronic mail, normally within five working days of the hearing. If you do not wish to receive the decision by electronic mail, please inform the Clerk to the Governors of this and a copy will be given or posted to you.
- 6.3 The decisions, findings and any recommendations will also be available for inspection on the School premises by the Governing Body and the Headteacher.
- 6.4 This represents the conclusion of the School's complaints procedure.