



## Quarrydale Academy

### Complaints Policy

<b>Title of Policy</b>	<b>Complaints Policy</b>
<b>Originator</b>	
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<b>Additional information</b>	

### Log of Changes

Date	Sections affected	Description	Revised by	Approved by
May 2024	Page 3/4/5/6/7 Page 4/5/8	Governors changed to 'Trustees' Link to ESFA updated	TP	



# Quarrydale Academy

## Complaints Policy

This policy will be reviewed every three years by the Education committee of the governing body.

This Policy is available to view on the Academy website.

### Principles

1. Develop a culture that deals with complaints positively. **Outcome:** complaints are viewed as an opportunity to re-examine the Academy's systems and services and through feedback to the complainant show that the Academy has been responsive to their concerns.
2. Provide a framework for dealing with complaints consistently and effectively. **Outcome:** staff, governors and parents are familiar with and follow the Academy's procedures for hearing a complaint.

### Complaints procedure

We aim to make Quarrydale Academy a happy, safe and caring place so that pupils may benefit from the best possible education. All of our staff, both teaching and non-teaching, are dedicated to this aim. If parents think we are not living up to expectations, we want to know so that we have the opportunity to put things right.

Not all complaints may come from parents regarding an event or incident. This policy also applies to complaints made by staff against the conduct or actions of a governor or the Head Teacher and complaints made by one governor about another.

The Academy's complaints procedure allows for general concerns and complaints to be made and considered initially on an informal basis. If a complaint falls outside the normal complaints procedure, for example child protection or special educational needs, then the appropriate procedures will be applied.

### Informal route – Parents

1. If parents have a general concern or a complaint, they should speak to their child's tutor in the first instance. If this person cannot resolve the matter it should be referred to the relevant head of year.

2. If the concern or a complaint is specifically related to a subject area then parents should speak to their child's subject teacher or the head of that department.
3. Actions to resolve a general concern or complaint will be taken, as far as reasonably possible, within 24 hours. The person who is dealing with the matter is expected to keep parents informed of progress or the reason for any delay.

### **Formal route - Parents**

Most general concerns or complaints will normally be resolved through an informal route, but if a parent is not satisfied with the response to their complaint the Academy's formal complaints procedure should be followed.

#### **Stage 1:**

1. Parents should write to the Head Teacher detailing why they are dissatisfied with the response they have received to their complaint so that a more formal procedure for dealing with the complaint can be established. If the complaint is about the Head Teacher, parents should write to the Chair of Trustees, at the Academy address.
2. A complaints officer will be assigned to deal with the complaint. This role is ordinarily delegated to a senior member of staff who has not been directly involved in the matter detailed in the complaint. If the complaint is about the Head Teacher, the Chair of Trustees will assign a complaints officer from the Governing Body who is not a staff member.
3. The complaints officer will make contact with the parent to find out more about their concerns. They will also give the parent an idea of how long it will take them to look into their complaint. The complaints officer is expected to keep parents informed of progress or the reason for any delay.
4. Once the investigation has been completed, the complaints officer will write to the parent with their findings and recommendations.

#### **Stage 2:**

If the parent is still not satisfied with the response to their complaint they may request for a hearing into how the complaint has been handled by writing to the Head Teacher or, if the complaint is about the Head Teacher, by writing to the Chair of Trustees at the Academy address.

5. A hearing panel will be convened, consisting of at least three people who have not been directly involved in the matter detailed in the complaint.

At least one member of the panel will be independent of the management and running of the academy (The panel will not be made up solely of governing body members because they are not independent of the management and running of the academy. It is a matter for the academy to identify suitably independent individuals who can fulfil the role and responsibility of being the independent member).

6. The parent will be given at least five working days' notice of the time and place of the hearing and be invited to attend and be accompanied if they wish.

7. At the hearing the parent will be given an opportunity to voice their concerns and the complaints officer will be asked to explain what the Academy has done to resolve the complaint.
8. After listening to all representations the hearing panel will make its findings and recommendations known to the parent in writing.

Stage 3:

9. If the parent is still not satisfied, they may refer their complaint to the Education & Skills Funding Agency (ESFA) using the following link:

<https://www.gov.uk/government/organisations/education-and-skills-funding-agency/about/complaints-procedure>

**Informal route – Staff and Members of the Public (who are not parents of Quarrydale Academy children)**

1. If a member of staff or the public has a general concern or a complaint about the conduct or actions of the Academy, a governor or the Head Teacher, they should speak to the Head Teacher in the first instance. The Head Teacher may refer the matter to the Chair of Trustees.
2. Actions to resolve a general concern or complaint will be taken, as far as reasonably possible, within 24 hours. The person who is dealing with the matter is expected to keep the staff member or member of the public informed of progress or the reason for any delay.

If a complaint falls outside the normal complaints procedure, for example a grievance or harassment issue, then the appropriate procedures will be applied. If the complaint is about the Chair of Trustees further advice should be sought from the Academy's Business Manager.

**Formal route – Staff and members of the Public**

Most general concerns or complaints will normally be resolved through an informal route, but if a member of staff or a member of the Public is not satisfied with the response to their complaint the Academy's formal complaints procedure should be followed.

Stage 1:

1. Staff should write to the Head Teacher detailing why they are dissatisfied with the response they have received to their complaint so that a more formal procedure for dealing with the complaint can be established. If the complaint is about the Head Teacher, staff should write to the Chair of Trustees at the Academy address.
2. A complaints officer will be assigned to deal with the complaint. The Chair of Trustees will assign a complaints officer from the Governing Body who is not a staff member.
3. The complaints officer will make contact with the member of staff or member of the public to find out more about their concerns. They will also give them an idea of how long it will take them to look into their complaint. The complaints officer is expected to keep the member of staff or member of the Public informed of progress or the reason for any delay.

4. Once the investigation has been completed, the complaints officer will write to the member of staff or member of the Public with their findings and recommendations.

**Stage 2:**

If the member of staff or member of the Public is still not satisfied with the response to their complaint they may request for a hearing into how the complaint has been handled by writing to the Chair of Trustees at the Academy address.

5. A hearing panel will be convened, consisting of at least three people who have not been directly involved in the matter detailed in the complaint.

At least one member of the panel will be independent of the management and running of the academy (The panel will not be made up solely of governing body members because they are not independent of the management and running of the academy. It is a matter for the academy to identify suitably independent individuals who can fulfil the role and responsibility of being the independent member).

6. The member of staff or member of the Public will be given at least five working days' notice of the time and place of the hearing and be invited to attend and be accompanied if they wish.
7. At the hearing the member of staff or member of the Public will be given an opportunity to voice their concerns and the complaints officer will be asked to explain what the Academy has done to resolve the complaint.
8. After listening to all representations the hearing panel will make its findings and recommendations known to the complainant in writing.

**Stage 3:**

10. If the member of staff or member of the Public is still not satisfied, they may refer their complaint to the Education & Skills Funding Agency (ESFA) using the following link:

<https://www.gov.uk/government/organisations/education-and-skills-funding-agency/about/complaints-procedure>

**Informal route – Trustees**

1. If a trustee has a general concern or a complaint about the conduct or actions of another trustee or the Head Teacher, they should speak to the Chair of Trustees.
2. Actions to resolve a general concern or complaint will be taken, as far as reasonably possible, within 24 hours. The Chair of Trustees is expected to keep the complainant informed of progress or the reason for any delay.

If a complaint falls outside the normal complaints procedure, then the appropriate procedures relating to governors will be applied. If the complaint is about the Chair of Trustees further advice should be sought from the Academy's Business Manager.

### **Formal route – Trustees**

Most general concerns or complaints will normally be resolved through an informal route, but if a trustee is not satisfied with the response to their complaint the Academy's formal complaints procedure should be followed.

#### **Stage 1:**

1. Trustees should write to the Chair of Trustees detailing why they are dissatisfied with the response they have received to their complaint so that a more formal procedure for dealing with the complaint can be established.
2. The Chair of Trustees will take the role of the complaints officer and will make contact with the complainant to find out more about their concerns. They will also give the complainant an idea of how long it will take them to look into their complaint. The Chair of Trustees is expected to keep the complainant informed of progress or the reason for any delay.
3. Once the investigation has been completed, the Chair of Trustees will write to the complainant with their findings and recommendations.

There are no further stages under the Academy's Complaints Policy should the trustee still not be satisfied with the response to their complaint.

## **Appendix 1: Guidance to parents on the Academy's complaints procedure**

We aim to make Quarrydale Academy a happy, safe and caring place so that pupils may benefit from the best possible education. All of our staff, both teaching and non-teaching, are dedicated to this aim. If parents think we are not living up to expectations, we want to know so that we have the opportunity to put things right.

The Academy's complaints procedure allows for general concerns and complaints to be made and considered initially on an informal basis. If a complaint falls outside the normal complaints procedure, for example child protection or special educational needs, then the appropriate procedures will be applied.

### Informal route

1. If you have a general concern or a complaint, you should speak to your child's tutor in the first instance. If this person cannot resolve the matter you will be referred to your child's head of year.
2. If your concern or a complaint is specifically related to a subject area then you should speak to your child's subject teacher or the head of that department.
3. Actions to resolve a general concern or complaint will be taken, as far as reasonably possible, within 24 hours. The person who is dealing with your concern or complaint is expected to keep you informed of progress or the reason for any delay.

### Formal route

Most general concerns or complaints will normally be resolved through the informal route, but if you are not satisfied with the response to your complaint then you should follow the Academy's formal complaints procedure.

#### Stage 1:

1. Write to the Head Teacher detailing why you are dissatisfied with the response you have received to your complaint so that a more formal procedure for dealing with the complaint can be established. If the complaint is about the Head Teacher, you should write to the Chair of Trustees at the Academy address.
2. A complaints officer will be assigned to deal with your complaint. This role is ordinarily delegated to a senior member of staff who has not been directly involved in the matter detailed in the complaint. If the complaint is about the Head Teacher, the Chair of Trustees will assign a complaints officer from the Governing Body who is not a staff member.
3. The complaints officer will contact you to find out more about your concerns. They will also give you an idea of how long it will take them to look into your complaint. The complaints officer is expected to keep you informed of progress or the reason for any delay.
4. Once the investigation has been completed, the complaints officer will write to you with their findings and recommendations.

### Stage 2:

If you are still not satisfied with the response to your complaint you may request for a hearing into the decisions taken or how the complaint was handled by writing to the Head Teacher, or, if the complaint is about the Head Teacher, by writing to the chair of governors at the Academy address.

5. A hearing panel will be convened, consisting of at least three people who have not been directly involved in the matter detailed in the complaint.

At least one member of the panel will be independent of the management and running of the academy.

6. You will be given at least five working days' notice of the time and place of the hearing and be invited to attend and be accompanied if you wish.
7. At the hearing you will be given an opportunity to voice your concerns and the complaints officer will be asked to explain what the Academy has done to resolve the complaint.
8. After listening to all representations the hearing panel will make its findings and recommendations known to you in writing.

### Stage 3:

9. If you are still not satisfied, you may refer your complaint to the Education & Skills Funding Agency (ESFA) using the following link:

<https://www.gov.uk/government/organisations/education-and-skills-funding-agency/about/complaints-procedure>

## **Appendix 2: Guidance for staff when dealing with general concerns or complaints**

Complaints from parents of pupils are usually raised directly with the Academy and may come from a number of sources (e.g. a letter, an email, a telephone call, or a visit).

It is important that staff dealing with a complaint listen to the issues being raised by the parent and resist passing judgement in any way. They should make sure they are clear about the nature of the complaint and keep a note of what was said and agreed. At all times discussions should be conducted in a professional manner.

If a member of staff feels that they have a conflict of interest that will impair their ability to act impartially or if they consider the complaint is beyond their experience/capability or falls outside the normal complaints procedure (i.e. it relates to a child protection or a special needs matter) they should discuss this with their line manager or in the case of safeguarding, refer it to the designated person.

In any event the Head Teacher should always be informed of complaints and action taken to resolve them.

### Informal route

If a general concern or complaint has been referred to a member of staff, it is important that this person contact the parent at the earliest opportunity.

The member of staff should make it clear to the parent that they will try to resolve the matter through an informal route by a particular course of action. A note should be kept of what has been said and agreed.

Actions to resolve the concern or complaint should be taken, as far as reasonably possible, within 24 hours. If this is not possible, the parent should be informed of the reason for any delay.

Once the concern or complaint has been dealt with, a written account of how the issue was resolved should be passed to the Head Teacher.

An admission that the Academy could have handled the situation better is not the same as an admission of negligence and if the complaint is upheld in part, or fully, the Complainant may receive an apology, an explanation of the steps taken to prevent a recurrence and/or an undertaking to review the Academy's policies in light of the complaint.

### Formal route

Most general concerns or complaints will normally be resolved through an informal route, but if a parent is not satisfied with the response to their complaint the Academy's formal complaints procedure should be followed.

#### Stage 1

The complaints officer assigned to deal with the concern or complaint should contact the parent and give a realistic idea of how long it will take to look into their concerns. The parent should also be kept informed of progress or the reason for any delay.

If the complaint involves interviewing witnesses, then the arrangements for taking statements must be followed (see guidance on obtaining witness statements).

Once the investigation has been completed, the complaints officer should write to the parent with their findings and recommendations and pass all papers to the Head Teacher or the Chair of Trustees if the complaint is against the Head Teacher.

### Stage 2

At this stage, trustees are likely to become involved as this usually develops into a complaint about the decisions taken by Academy staff or how the complaint was handled by them.

A hearing panel will be convened, consisting of at least three people who have not been directly involved in the matter detailed in the complaint. In deciding the make-up of the panel, there should be, as far as is reasonably practical, a cross section of the categories of trustee and sensitivity to any issues relating to protected characteristics.

At least one member of the panel will be independent of the management and running of the academy (The panel will not be made up solely of governing body members because they are not independent of the management and running of the academy. It is a matter for the academy to identify suitably independent individuals who can fulfil the role and responsibility of being the independent member).

The panel will not re-conduct an investigation themselves, but will give the parent an opportunity to voice their concerns. They will also ask the complaints officer to explain what the Academy has done to resolve the complaint. The panel may agree with the parent any part of the hearing that the child needs to attend.

After listening to all representations the hearing panel will make its findings and recommendations known to the parent in writing. This should normally be done within 5 working days. Minutes of this meeting should be retained as a confidential record for the governing body.

The aim of the hearing, which should be held in private, will always be to resolve the complaint and to achieve conciliation between the Academy and the complainant. However, the complainant may not be satisfied with the outcome if the hearing does not find in their favour. The panel should ensure that they have established the facts, and make recommendations that would be reasonably considered as having taken the complainants issue/s seriously.

The panel can:

- Dismiss the complaint in whole or part
- Uphold the complaint in whole or part
- Decide on appropriate action to be taken to resolve the complaint
- Recommend changes to the Academy's systems or procedures to ensure that issues of a similar nature do not recur

The complainant should be informed of their right of appeal – see stage 3.

### Stage 3

If, after a complaint has been reconsidered, the parent is still unhappy, they may decide to refer their complaint to the Education & Skills Funding Agency (ESFA). The ESFA cannot rehear the complaint; but can determine if the Academy has acted unreasonably or illegally.

## **Guidance on obtaining witness statements**

If the complaint relates to the conduct of the Head Teacher, then it is the role of the chair of governors to ensure that a proper investigation is undertaken on behalf of the governing body by an appropriately qualified and experienced person.

### Recommended good practice

It is important when interviewing witnesses that an accurate and unbiased account is recorded. The details that may be provided by a witness can help to clarify and endorse a critical set of events. It is crucial that witnesses are informed that their statement may be given to other people who have a legitimate right to see it. In some cases, especially where a disciplinary outcome is possible, it is advisable to obtain parental consent prior to seeking pupil witness statement.

When pupils are potential witnesses it is particularly important to let them recount the sequence of events in their own words and without leading questions. If they are literate, then they should write their own account. Compound statements made by two or more pupils are not advised. Pupils should not be given the opportunity to confer with other witnesses prior to making their statement. If the statement lacks detail, then it is reasonable for the complaints officer to ask questions of clarification and to ensure that the more detailed answers are recorded.

Where members of staff are providing witness statements they should be advised that they may have a friend or representative of their professional association present. This is particularly important if the detail of their evidence could lead to disciplinary action being taken against a member of staff.

Typed witness statements are acceptable but **all statements should be signed and dated by the person who made them.** A copy of the statement should be given to the person who made it. All witness statements should be retained by the Academy as part of the documentation supporting the complaint.

## **Monitoring, evaluation and review**

1. The Head Teacher will maintain a central log of all reported complaints dealt with at a formal stage.
2. The Head Teacher will report annually to the full governing body on the Academy's complaints policy, including staff development needs, resultant changes in school procedure and use of the school's disciplinary procedure.
3. The governing body in consultation with the Head Teacher will update and amend the policy as required to ensure that it is effective and complies with new regulations and changes, which may from time to time be introduced by the Secretary of State

### ***Appendix 3: Checklist for a panel hearing***

1. The Chair of the Panel introduces all attendees and checks/confirms that they are happy to continue with the hearing
2. The Chair of the Panel informs all attendees about the confidentiality of the hearing
3. The Chair of the Panel informs all attendees about the format of the meeting and that Witnesses are only required to attend for the part of the hearing in which they give evidence
4. The Complainant (or representative) presents their case with witnesses called as applicable
5. The Complaints Officer may question the Complainant and the Witnesses after each has spoken
6. The Panel may question the Complainant and the Witnesses after each have spoken.
7. The Complaints Officer presents their case with Witnesses called as applicable
8. The Complainant (or representative) may question the Complaints Officer and the Witnesses after each have spoken
9. The Panel may question the Complaints Officer and the Witnesses after each have spoken
10. The Complainant sums up
11. The Complaints Officer sums up
12. Both parties leave while the panel makes its decision
13. The Panel reconvenes the hearing and their decision is given verbally to both Parties. The Complainant is informed of their right of appeal
14. The decision is confirmed in writing by the Chair of the Panel within 5 working days including the right of appeal

#### ***Appendix 4: Behaviour of Complainants***

Correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under relevant legislation requests access to them.

It is expected that Complainants also treat such correspondence, statements and records confidentially.

A Complaints Panel will only proceed if the complainant and/or their representative attend. If the complainant does not confirm attendance or fails to attend on the day without compelling reasons, the Complaints Panel will not proceed and the complainant will lose their right to the complaint being heard. Any further attempt to re-open the matter will be considered as falling under the serial/persistent complaint section as below.

#### **Serial/persistent complaint**

If at any level a complainant attempts to reopen an issue or a closely related issue that has already been dealt with under this complaints procedure, the Chair of Trustees may write to the complainant to inform him/her that the procedure has been exhausted and the matter closed, that continued correspondence on the same matter is vexatious and that the Academy Trust will not respond to any further correspondence on this issue or a closely related issue.

Complainants are expected to conduct themselves in an acceptable manner. Complainants who behave unacceptably may have their complaint immediately discontinued.

#### **Examples of unacceptable behaviours include:**

- a) Persistent refusal to accept a decision made in relation to a complaint and that the complaints process has been fully and properly implemented and exhausted.
- b) Seeking to prolong contact by changing the substance of a complaint or persistently raising the same or new issues with multiple members of staff not involved in the investigation of the complaint and questions whilst the complaint is being addressed.
- c) Unwillingness to accept documented evidence given as being factual
- d) Denying receipt of an adequate response despite evidence of correspondence specifically answering their questions.
- e) Refusing to accept that facts can sometimes be difficult to verify when a long period of time has elapsed.
- f) Demanding a complaint is investigated but that their identity is kept anonymous and without communicating with key persons involved in the complaints incident.
- g) Refusing to clearly identify the precise issues which they wish to be investigated, despite reasonable efforts by staff to help them specify their concerns, or where the concerns identified are not within the remit of the Academy to investigate.
- h) Focusing on a trivial matter to an extent that is out of proportion to its significance and continuing to focus on this point. (Determining what is a 'trivial' matter can be subjective and careful judgement must be used in applying this criteria).

- i) Having, while a complaint has been registered, an excessive number of contacts with the Academy, placing unreasonable demands on staff, including leaving an excessive number of voicemails or emails.
- j) Recording meetings or face to face/telephone conversations without the prior knowledge and consent of the other parties involved.
- k) Making unreasonable demands or expectations and failing to accept that these may be unreasonable (e.g. insisting on responses to complaints or enquiries being provided more urgently than is reasonable or normal recognised practice and refusing to engage with and meet/speak directly with the Investigating Officer (thereby limiting the ability of the Investigating Officer to resolve issues raised).
- l) Threatening or using actual physical violence towards staff at any time - this will in itself cause personal contact with the complainant or their representatives to be discontinued and the complaint will, thereafter, only be pursued through written communication.
- m) Harassing or being abusive or verbally aggressive towards staff dealing with their complaint including the use of social media i.e. seeking to contact staff involved outside of the working environment or obtaining personal information via social media channels to intimidate staff. Complainants may be intimidating without being 'abusive'.