



Emerson Park Academy
A SPECIALIST SPORTS COLLEGE

COMPLAINTS POLICY AND PROCEDURE

Approved: _____ by Governing Body

Date of next Review: _____

Application:

This policy applies to all concerns and complaints other than those relating to the following:

Child Protection issues
Appeals against exclusions
Admissions
Decisions about special educational needs
Staff grievances

Please note that separate procedures apply to each of these exceptional cases

Timescales:

We aim to resolve any complaints in a timely manner. Timescales for each stage of the Complaints Procedure are set out below in the relevant paragraphs. For the purposes of this policy, a “working day” is defined as a weekday during term time, when the Academy is open. This also excludes weekends and Bank Holidays. For the avoidance of doubt, term dates are published on the Academy’s website.

Policy Aim:

The aim of this policy is to ensure that a concern or complaint by a parent (including a prospective parent) is managed sympathetically, efficiently and at the appropriate level and resolved as soon as possible. Doing so is good practice, it is fair to those concerned and it helps to promote parents’ and students’ confidence in our ability to safeguard and promote welfare. 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, reviewing our systems and procedures in light of circumstances.

Policy Statement:

We need to know as soon as possible if there is any cause for dissatisfaction. We recognise that a difficulty which is not resolved quickly and fairly can soon become a cause of resentment, which could be damaging to relationships and also to our Academy culture. We intend that parents and students should never feel – or be made to feel – that a complaint will be taken amiss or will adversely affect a student or his/her opportunities at the Academy.

The policy, however, distinguishes between a concern or difficulty which can be resolved informally and a formal complaint which will require investigation.

The Academy will give careful consideration to all complaints and endeavour to deal with them fairly and openly. There will be opportunity for the complaint to be discussed and the Academy will seek to resolve the complaint through open dialogue and mutual understanding.

Concerns and Difficulties

1. Concerns:

We expect that most concerns, where a parent seeks intervention, reconsideration or some other action to be taken, can be resolved informally. Examples might include dissatisfaction about some aspect of teaching or pastoral care, or about allocation of privileges or responsibilities, or about a timetable clash or some other aspect of the Academy’s systems or equipment, or a billing error.

2. Notification: Please raise the concern initially as follows:

2.1 Education issues – if the matter relates to the classroom, the curriculum or special educational needs, please speak or write to Deputy Head Teacher – Teaching and Learning.

- 2.2 Pastoral care – for concerns relating to matters outside the classroom, please speak or write to Deputy Head Teacher – Student Progress.
- 2.3 Disciplinary matters – problems relating to a disciplinary action taken or a sanction imposed should be raised first of all with the member of staff who imposed it then, if not resolved, with the Deputy Head / Head Teacher.
- 2.4 Financial and administrative matters – a query relating to fees or extras or to other administrative matters should be raised with Academy Business Manager
- 2.5 Should an informal concern or complaint be raised with a member of staff other than those designated at item 2.1 – 2.4 above, he or she is asked to redirect it to the appropriate individual under this policy.

3. Preliminary Stage

Most potential complaints can be resolved through discussion with the immediate member of staff concerned, whether via the student's planner or through a telephone conversation. The Academy's website can also accept emails. Your concerns will be forwarded to the appropriate member of staff eg pastoral issues – form tutor/Head of House. If a meeting is arranged, the member of staff should inform their line manager, who may determine that a second member of staff should also attend.

4. First Informal stage:

If you think that the concern has not been addressed or the matter resolved, you should raise the matter with the Line Manager or the member of staff concerned or otherwise with the Head of House of the student. He or she will endeavour to resolve the matter through discussion in school and to inform you of the resolution.

5. Second Informal Stage:

When the concern has not been resolved at the First Informal Stage or when the matter is judged to be of greater seriousness than the immediate Line Manager can readily resolve, the complaint should be made to the Deputy Head/Headteacher. It is helpful if a brief explanation of the concern is provided in advance, so that information is readily at hand if you meet. The Deputy Head/Headteacher may ask other staff to attend the meeting (if arranged) or may refer the matter back to a Line Manager or Head of House if appropriate. It is the Academy's experience that most complaints can be resolved by this stage through discussion and action determined mutually between the Headteacher, Deputy Head Teacher, parents and carers, students and staff.

6. Stage 2 -Formal Complaints

An unresolved concern from the informal stages, or a complaint which needs investigation, or a more serious dissatisfaction with some aspect of the Academy's policies, procedures, management or administration should be set out in writing with full details and sent with all relevant documents and your full contact details for the attention of the Headteacher. Should a formal written complaint be received by another member of the Academy's staff, he or she will immediately pass it to the Headteacher.

Acknowledgement: Your complaint will be acknowledged by telephone or in writing normally within five working days of receipt.

Investigation and resolution: The Headteacher may deal with the matter personally or may ask a senior member of staff to act as "investigator" and/or may involve other senior staff. The investigator may request additional information from you and will probably wish to speak to you personally and to others who have knowledge of the circumstances. Following appropriate investigation, the Headteacher or relevant Deputy Headteacher will then notify you in writing of the decision and the reasons for it.

Outcome: The aim of the Headteacher would be to inform any complainant of the outcome of an investigation and the resolution to the complaint within 20 working days from the receipt of the complaint. Where a complaint is received during a school vacation or close to the end of term or half term the Headteacher will endeavour to expedite the process if possible.

Record of complaints:

The Headteacher is responsible for keeping a log of all complaints received by or referred to them under this stage of the procedure. The log should provide a brief written summary of the name of the complainant, the date the complaint was received, the matter complained of, and the manner and date of its resolution. Written records will also be kept of any meetings and interviews held in relation to the complaint.

7. Stage 3 -Reference to the Chair

Notification: If you are dissatisfied with the decision of the Headteacher or Deputy Headteacher under Stage 2, your complaint may be reviewed by writing to the Chair of the Governing Body. You should write to the Chair within 5 working days of receiving the decision. Your letter to the Chair should give full details of your complaint and enclose all relevant documentation and your full contact details. Your letter will normally be acknowledged within 5 working days of receipt, indicating the action that is being taken and the likely timescale.

Action by the Chair: The Chair will arrange for your complaint to be investigated following procedures equivalent to those described in Stage 2 (above). When the chair is satisfied that he/she has established all the material facts and relevant policies, so far as is practicable, he/she will notify you in writing of his/her decision and the reasons for it.

He/she will aim to provide a response within 15 working days of receiving your letter but will inform the complainant if this timescale will need to be increased. If you are not satisfied with the Chair's decision you may ask for the complaint to be referred to the Review Panel by writing to the Clerk of the Governing Body.

8. Stage 4 - Reference to the Review Panel

Notification: Only if you have been through the earlier stages of this procedure, and are dissatisfied with the decision that has been notified to you by the Chair, may you request a final hearing by a Review Panel. To request a hearing before the Review Panel please write to the Clerk of the Governing Body within 5 working days of the decision you wish to appeal. Your request will only be considered if you have completed the relevant procedures at Stages 1 – 3. Please ensure that copies of all relevant documents accompany your letter to the Clerk of the Governing Body and state all the grounds for your complaint and the outcome that you desire. The Clerk of the Governing Body will acknowledge request in writing within 5 working days of receipt.

Review Panel: The review will be undertaken by a Panel of at least three suitable persons appointed on behalf of the Governing Body and selected by the Clerk of Governing Body. The panel members will have no detailed previous knowledge of the case, will not include the Chair of Governors, and one member will be independent of the management and running of the Academy. Fair consideration will be given to any bona fide objection to a particular member of the panel.

Convening the Panel: The Clerk of the Governing Body will convene the Review Panel as soon as is reasonably practicable but the Panel will not normally sit during Academy holidays.

Notice of hearing: The panel hearing will take place within 15 working days of the receipt of your request unless there are exceptional circumstances. At least 5 working days before the hearing, the Clerk of the Governing Body will send you written notification of the date, time and place of the hearing, together with brief details of the panel members who will be present.

You will have 2 working days from receipt of the notice of the date of the hearing to appeal against any of the proposed members of the panel. In such a case the Clerk of the Governing Body will reconstitute the panel within 10 working days and advise you at least 5 working days before the hearing. If on receipt

of such notice you wish to again appeal against the membership of the panel this process will be repeated until you are happy with the constitution of the panel.

Attendance: You will be asked to attend the hearing and may be accompanied by one other person such as a relative, teacher, or friend, but not someone who is there in the capacity as a legal representative. Your child, if aged 13+, may attend part or all of the hearing at the discretion of the Chair. The clerk of the Governing Body or nominated deputy will also attend the hearing in order to keep a record of the proceedings. Copies of additional documents you wish the panel to consider should be sent to the Clerk of Governing body at least 5 clear working days prior to the hearing. Attendees will be asked if they wish to call any witnesses to the hearing and for the details and relevance of those witnesses to be communicated to the Clerk of the Governing Body at least 5 clear working days prior to the hearing.

The Chair of the Review Panel will conduct the hearing in such a way as to ensure that all those present have the opportunity of asking questions and making 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.

Adjournment: 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. The chair will advise the participants of the length of time he/she feels it is necessary for the adjournment and if longer than an hour or so may determine that any reconvention of the panel hearing will take place on a subsequent day. Notice of reconvening the panel hearing, if not on the same day, will be given at least 5 working days before the date of the reconvened panel hearing.

Decision: After consideration of all matters discussed at the hearing, the panel shall reach a decision unless there is an agreed position between the parties. The panel's decision, findings and any recommendations may be notified orally at the hearing or subsequently and shall be confirmed in writing to you by electronic mail where appropriate within 10 working days of the date of the hearing. If you do not wish to receive the decision by electronic mail, a copy will be given or posted to you. The decisions, findings and any recommendations will be made available for inspection on the Academy premises by the Governing Body.

9. Confidentiality

A written record will be kept of all complaints, and of whether they are resolved at Stage 1, 2, 3 or proceed to a Panel hearing. The number of complaints registered under the formal procedure during the preceding Academy year will be supplied to parents on request. Correspondence, statements and records relating to individual complaints will be kept confidential except to the extent required by paragraph 25 (k) of Schedule 1 to the Education (Independent School Standards) (England) Regulations 2010, that is 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. In accordance with data protection principles, details of individual complaints will normally be destroyed following each school inspection. In exceptional circumstances some details will be retained for a further period as necessary.

Who to contact

The Academy is inspected by Ofsted, an independent organisation which reports to the Government on schools. Parents and students have the right to contact an inspector if they have a complaint concerning a student's welfare. Ofsted will usually expect parents to have followed the Academy's formal complaints procedure before contacting them. However, you can report your concerns to Ofsted on 08456 404040 or you can write to the Ofsted Regional Office.

Emerson Park Academy relevant contact details:

Chair of Governors	Mr John Luff
Head Teacher	Mr Scott McGuinness
Deputy Head:	Ms Kylie Blaize
Business Manager	Mr Peter Wells
Clerk to the Governing Body:	C/o Mrs M Beney

The above can all be contacted through the Academy office

The remit of the Complaints Appeal Panel

The governing body may nominate a number of members with delegated powers to hear complaints at that stage, and set out its terms of reference. These can include:

- Drawing up its procedures
- Hearing individual appeals;
- Making recommendations on policy as a result of complaints

The procedure adopted by the panel for hearing appeals would normally be part of the Academy's complaints procedure. The panel may choose their own chair.

The panel can:

- 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 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 and religious affiliation. One member of the panel must be independent of the Academy.
- 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) An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.
- d) 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 view of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.
- e) The people sitting on the panel need to be aware of the complaints procedure.

Roles and Responsibilities

The Role of the Clerk

The Department strongly recommends that any panel or group of governors considering complaints be clerked. The clerk would be the contact point for the complainant and be required to:

- a) 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;
- b) Collate any written material and send it to the parties in advance of the hearing;
- c) Meet and welcome the parties as they arrive at the hearing;
- d) Record the proceedings;
- e) Notify all parties of the panel's decision.

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;

The Role of the Chair of the Panel

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

- a) The remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- b) The issues are addressed;
- c) Key finds of fact are made;
- d) Parents and others who may not be used to speaking at such a hearing are put at ease;
- e) The hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- f) The panel is open minded and acting independently;
- g) 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;
- h) Each side is given the opportunity to state their case and ask questions;
- i) 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.

Notification of the Panel's decision

The chair of the panel needs to ensure that the clerk notifies the complainant of the panel's decision, in writing, with the panel's response; this is usually within a set deadline which is publicised in the procedure. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

Checklist for a Panel Hearing

The panel needs to take the following points into account:

The hearing is as informal as possible

Witnesses are only required to attend for the part of the hearing in which they give their evidence

After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.

The headteacher may question both the complainant and the witnesses after each has spoken

The headteacher is then invited to explain the Academy's actions and be followed by the Academy's witnesses.

The complainant may question both the headteacher and the witnesses after each has spoken

The panel may ask questions at any point

The complainant is then invited to sum up their complaint

The headteacher is then invited to sum up the Academy's actions and response to the complaint

Both parties leave together while the panel decides on the issues

The Chair explains that both parties will hear from the panel within a set time scale.



Emerson Park Academy

A SPECIALIST SPORTS COLLEGE

Complaint Form

Please complete this form and return it to the Head Teacher who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name: _____

Relationship with school [e.g. parent of a pupil on the Academy's roll]:

Your address:

Daytime telephone number:

Evening telephone number:

Please give details of your complaint, [including dates, names of witnesses etc.] to allow the matter to be fully investigated:

You may continue on separate paper, or attach additional paperwork, if you wish. If you have already provided information it would be helpful if you could summarise the main points above.

Number of additional pages attached

What action, if any, have you already taken to try to resolve your complaint? [i.e. who have you spoken with or written to and what was the outcome?]

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

Signature: _____

Date: _____

School Use:

Date Form received: _____

Received by: _____

Date acknowledgement sent: _____

Acknowledgement sent by: _____

Complaint referred to:

Date: