

COMPLAINTS POLICY

Believing in Excellence means that the school has key values that all members of our school community live by. These are:

- Respect;
- Resilience;
- Responsibility.

These values apply to three important spheres of life:

- Believing in Excellence for ourselves;
- Believing in Excellence for others;
- Believing in Excellence for our environment.

Date of Policy	September 2015
Date agreed by Governing Body	September 2015
Date of next review	September 2018
Lead Member of Staff	Peter Marchant, Headteacher

1 Introduction

- 1.1 The Cavendish School (The Cavendish School 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.
- 1.2 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 (current parent or legal guardian, and may at our discretion include a parent whose child has recently left the School) and students 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.
- 1.3 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.
- 1.4 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. This policy will also be used, where applicable, in dealing with general complaints from members of the public.

2 Management of complaints

- 2.1 The School's complaints procedure has four stages:
 - 2.1.1 **Stage 1:** informal raising of a concern or difficulty with a member of staff orally or in writing as set out in Appendix 1.
 - 2.1.2 **Stage 2:** a formal complaint in writing to the Headteacher - further details of how to make a formal complaint and the relevant procedures are set out in Appendix 2.
 - 2.1.3 **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.
 - 2.1.4 **Stage 4:** a reference to the Complaints Panel - further details of how to request a Panel Hearing and the procedures to be followed are set out in Appendix 4.
- 2.2 Separate procedures apply in the event of a child protection issue, an issue regarding admissions or if the Headteacher excludes a student from the School.

3 Confidentiality

- 3.1 A record will be kept of all formal 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 held in school and will be supplied to parents on request.
- 3.2 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.
- 3.3 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, normally 7 years after the student has left the school.

4 Complaints to the Education Funding Agency (EFA)

- 4.1 If you are dissatisfied with the decision of the Complaints Panel, you may contact the EFA which will consider the complaint on behalf of the Secretary of State. The EFA's contact details are as follows:

Email: academyquestions@efa.education.gov.uk
Address: Academies Central Unit (Academy Complaints)
Education Funding Agency
Earlsdon Park
53-55 Butts Road
Coventry, CV1 3BH
Telephone: 0370 000 2288 (ask for the EFA Academies Central Unit)

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 financial or 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 Form Tutor, Progress Leader or SENCO/Head of Inclusion.

2.1.2 Pastoral care: for concerns relating to matters outside the classroom, please speak or write to the Form Tutor, Guidance Leader or Progress Leader.

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, fax, email or letter within two working days of receipt during term time and as soon as practicable during the holidays depending on staff availability during school holidays.

2.3 A matter raised orally will not necessarily be acknowledged in writing.

2.4 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.

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 Academy'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.
- 2.2 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 Headteacher.

3 Decision

- 3.1 The Headteacher will then notify the complainant by telephone, email or letter of his 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 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 Headteacher's decision. The letter should give full details of the complaint and enclose all relevant documents, together with full contact details. You should mark the envelope **URGENT and CONFIDENTIAL**.
- 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 has established all the material facts, so far as is practicable, he will notify the complainant in writing of his decision and the reasons for it. He 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. If the Chair of Governors needs more time to investigate he will contact you as soon as possible and may extend for a further **ten working days**.
- 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.

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.
- 1.3 It is not within the powers of the Panel to make any financial award, nor to impose sanctions on staff, students or parents.
- 1.4 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 3 have been completed. Please mark your envelope **URGENT and CONFIDENTIAL**.
- 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 Academy'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 she / he 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. The Panel's decision is final.

- 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.

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: academyquestions@efa.education.gov.uk

Address: Academies Central Unit (Academy Complaints)
Education Funding Agency
Earlsdon Park
53-55 Butts Road
Coventry, CV1 3BH

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