

Responding to concerns about Academies in Surrey

Guidance for parents, carers and the general public

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Procedure for Academies in Surrey

Introduction

This guidance, developed in consultation with stakeholders, is intended to be a good practice guide that will apply to most general complaints received by academies. The aim of this procedure is to seek a resolution to a complaint and restore positive relationships. In the case of parental complaints the aim should be to arrive at a resolution that is in the best interests of the pupil.

The Education (Independent School Standards) Regulations 2010 placed a duty on academy governing bodies to establish procedures for handling general complaints. The procedure must include;

- an opportunity to resolve the complaint with the academy on an informal basis, for example through discussion with a senior member of staff;
- a formal complaint stage when the complaint is made in writing and usually responded to by the chair of governors; and
- a hearing with a panel set up by the academy trust, comprising of three people not directly involved in the matters detailed in the complaint, one of whom must be independent of the management and running of the academy. Parents must be allowed to attend the panel and be accompanied if they wish.

The Area Schools Support Service specialises in complaints handling advice and is available to the Surrey academies who choose to purchase the service. You are entitled to basic procedural advice from the Area Schools Support Service but officers can only become involved in the resolution of the complaint at the request of the academy. The Area Schools Support Service can be contacted via the Surrey County Council Contact Centre on 03456 009 009.

Procedure for Academies in Surrey

Introduction (continued)

These types of complaint are subject to other statutory procedures that are separate from this general complaints procedure:

Complaint by a Member of Academy Staff	Academy Grievance Procedure. For further information contact the academy.
Pupil Exclusion	Right to make representations about fixed term exclusion to Governors' Pupil Discipline committee. Where there is an unresolved dispute regarding a fixed term exclusion involving an allegation of disability discrimination the complainant has the further right of appeal to First-Tier Tribunal (Special Educational Needs and Disability, (SENDIST)). Right of review to independent panel for permanent exclusion. For further information contact the Exclusion and Reintegration Advisory Service via the Surrey County Council Contact Centre on 03456 009 009.
Academy Admissions	Separate procedures apply. For further information contact the academy.
Child Protection/Safeguarding	Surrey Safeguarding Children Board procedures apply. For further information contact the Surrey County Council Contact Centre on 03456 009 009.
Statements of Special Educational Needs (SEN) / Education, Health and Care Plans (EHCPs)	Surrey County Council's statutory assessment procedures apply. For more information contact the SEN Management Team via the Surrey County Council Contact Centre on 03456 009 009.
Freedom of Information and Data Protection	Where a complainant seeks an internal review of a response to a Freedom of Information or Data Protection Act request, Stage 3 only of the complaints procedure should be completed (see page 23). This will ensure that the complainant has access to further action via the Information Commissioner's Office (www.ico.org.uk) within appropriate timescales.

Introduction (continued)

<p>Complaints regarding discrimination and harassment based on protected characteristics as defined in the Equality Act 2010.</p> <p>Protected Characteristics are:</p> <ul style="list-style-type: none">• Disability• Gender reassignment• Pregnancy and maternity• Race• Religion or belief• Sex• Sexual orientation	<p>The complaints procedure applies, but complainant has further right of appeal to SENDIST for complaints about disability discrimination or to the County Court for all other unresolved disputes regarding protected characteristics.</p> <p>The complaints procedure and the First-Tier Tribunal procedure can run in parallel.</p>
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Procedure for Academies in Surrey

General principles

- The aim of these guidelines is to achieve a resolution to concerns and complaints made by parents or members of the public. Most concerns can be resolved informally without any need to involve the governing body or Surrey County Council. However, if a concern becomes a complaint then this four-stage process will be used. It is not possible to jump stages in the procedure; it is a fundamental principle that each party must be allowed the opportunity to resolve the complaint before it is escalated to the next stage.
- The majority of parents/carers of children attending Surrey academies have a positive relationship with their child's teachers and other academy staff; this relationship is based on mutual respect and an understanding that both parties have the child's best interests at heart. This is the basis on which all academies operate and is another key principle of these procedures.
- Any complaint raised will be treated seriously and courteously. You will be given the opportunity to make your concerns known and academy staff must be given time to properly investigate them in order for the matter to be resolved to everyone's satisfaction. It is important that you have confidence in these procedures and know that the matter will be investigated impartially and dealt with as quickly as possible. Resolving concerns involves balancing the rights and responsibilities of pupils, parents and academy staff; there should be recognition that responsibility rests with each of these parties.
- We would recommend that you do not discuss your concerns on social networking sites (eg Facebook). This can be potentially damaging for the academy and/or its pupils, can reach a much wider audience than you might have intended, and more importantly does not give the academy the opportunity to resolve the issue.
- To comply with equalities legislation academies should be sensitive to the individual needs and circumstances of the complainant. No-one should be excluded from the complaints system because of any difficulties they may have in representing themselves either in writing or in person.
- The academy's prospectus may contain basic information on how to access the complaints procedure. The procedure should be easily accessible and well publicised, e.g. via the academy office and website.
- Academies recognise that some people will need help in pursuing their complaint and consideration should be given to putting complainants in touch with a suitable agency which can help them, e.g. Area Schools Support Service, Surrey Parent Partnership, Race Equality and Minority Achievement Team, Citizen's Advice Bureau.
- If at any time a child protection concern becomes apparent, the child protection process will take precedence over the complaints process, which will be halted until the child protection matter is resolved.

Procedure for Academies in Surrey

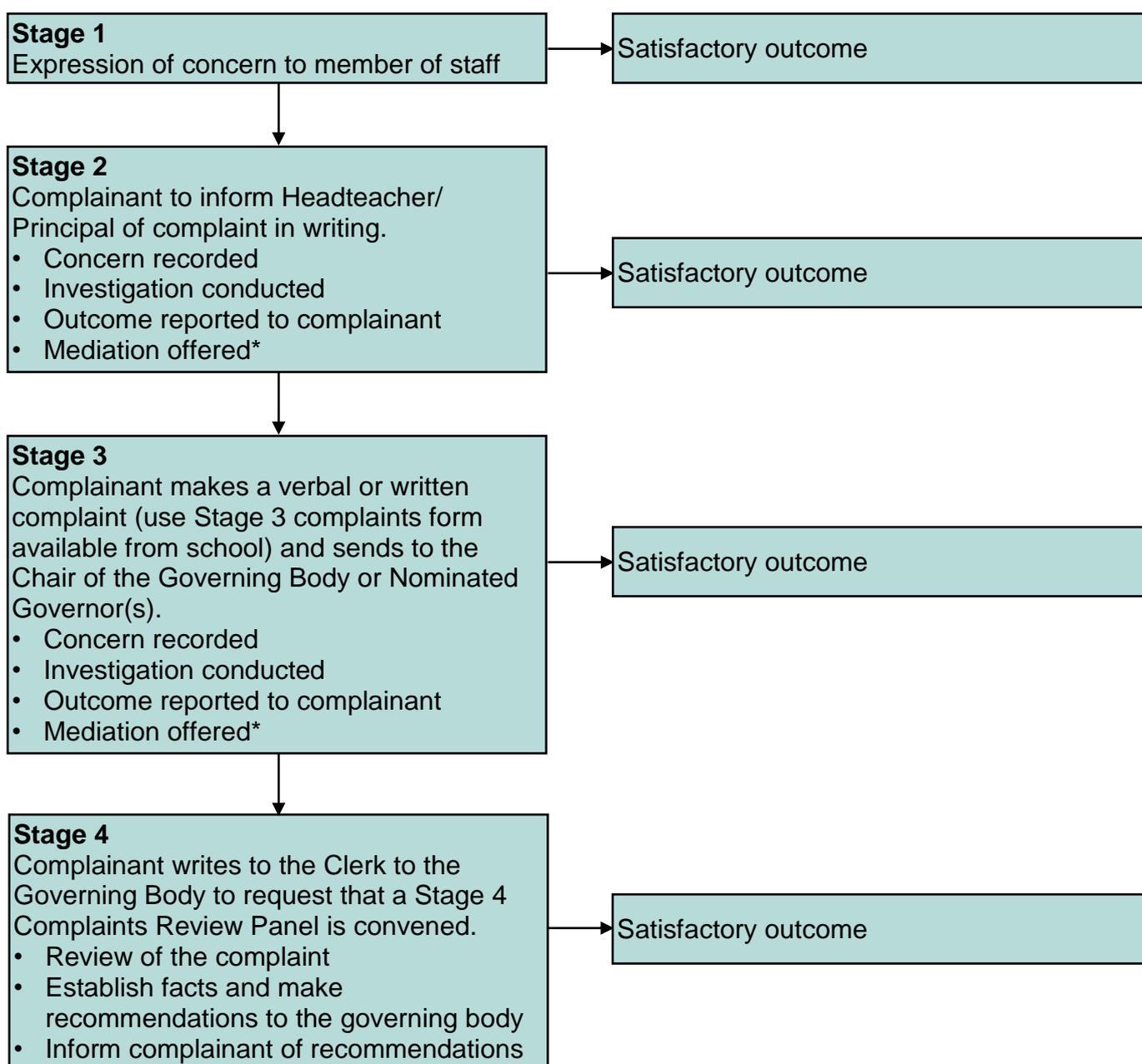
- The investigation of a complaint will not deal with staff disciplinary matters. If, however, during the course of considering a complaint, it is concluded that disciplinary procedures should be initiated, the governing body will consider this as a separate action.
- Confidentiality should be maintained at all times by all concerned. All conversations and correspondence must be treated with discretion. However, you will need to accept that some sharing of information within the academy will be inevitable if the complaint is to be investigated fully and fairly. This will be done with sensitivity and will take into account confidentiality. You should feel confident that a complaint will not disadvantage your child.
- Academies are mindful of the Data Protection Act and are not allowed to disclose personal information relating to third parties, i.e. other pupils, other parents, staff etc.
- Further guidance on dealing with complaints can be provided by the Area Schools Support Service part of their traded service to academies. Guidance is also provided in the Surrey County Council's leaflet *Responding to concerns about Surrey County Council Schools - A brief guide* which may be obtained either from the academy, the Surrey County Council website, by telephoning the Surrey County Council Contact Centre on 03456 009009 or by emailing the Contact Centre via the Surrey County Council website.
- Anonymous complaints, whilst difficult to manage and resolve, will be recorded and referred to the Headteacher/Principal or Chair of the Governing Body in the same way as other complaints. The fact that a complaint is from an anonymous source should not in itself justify a decision not to investigate the matter, nor should it rule out referral to other procedures as appropriate, e.g. child protection.
- Headteachers/Principals and governors must be prepared to investigate and review complaints up to six months after the event and even after a pupil has left the academy.
- Where the concern relates to the conduct of an academy governor a recommended protocol is available in section 6 (page 36) of this guidance.

Procedure for Academies in Surrey

Flow chart

Model procedure for dealing with general complaints

If at any time a child protection concern becomes apparent, the child protection process will take precedence over the complaints process, which will be halted until the child protection matter is resolved.



* Mediation is offered to schools that purchase the Area Schools Support Service

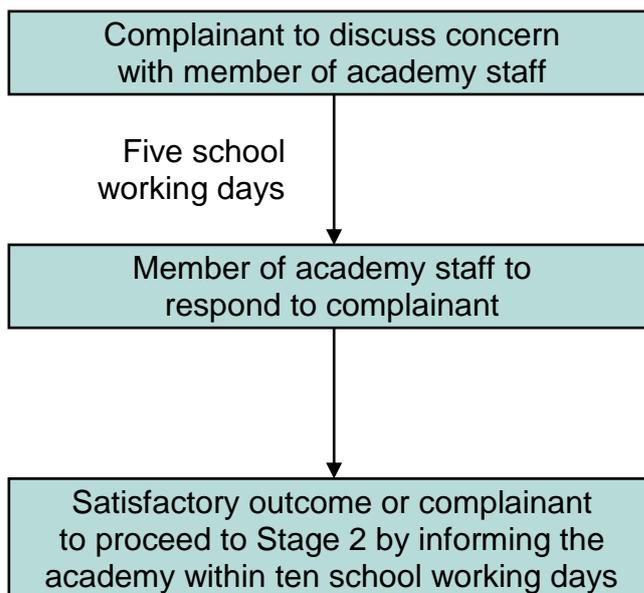
Stage 1

Discuss concern with member of academy staff

Stage 1 - Discuss concern with member of academy staff

1.1 Flow chart

Discuss concern with member of academy staff



Stage 1 - Discuss concern with member of academy staff

1.2 Guidelines

- 1.2.1 The vast majority of concerns and complaints can be resolved informally, often straight away by the class teacher or appropriate senior leader, e.g. Head of Year, Deputy Headteacher/Vice Principal or the Headteacher/Principal.
- 1.2.2 If you raise a concern at this stage with a governor, the governor should refer you to the most appropriate member of staff and inform the Headteacher/Principal. Governors should not be involved in the early stages of complaints.
- 1.2.3 You should feel able to raise concerns with academy staff without any formality, either in person, by telephone or in writing. On occasion it may be appropriate for someone to act on your behalf and academies should be sensitive to the needs of individuals. At first it may be unclear whether you are asking a question or expressing an opinion rather than making a complaint, therefore, you may wish to have a preliminary discussion about an issue to help decide whether or not you wish to take it further. Concerns should be raised in private, at an appropriate time and not when other parents, pupils or staff can overhear, otherwise it is difficult for the academy to observe confidentiality.
- 1.2.4 Academies will act to ensure that the academy remains a safe place for pupils, staff and members of the community. Abusive, threatening or violent behaviour will not be tolerated and people behaving in this way will be removed from the site and risk prosecution.

Stage 1 - Discuss concern with member of academy staff

1.3 Procedure

- 1.3.1 You should be given an opportunity to discuss your concerns privately with the appropriate member of staff who can clarify the nature of your concern. The staff member should reassure you that the academy wants to try and resolve the matter. It may also be helpful at this point to identify the outcome you are seeking.
- 1.3.2 In many cases this will lead to immediate resolution of the issue but in some circumstances the staff member will need to have some time to investigate your concerns and get back to you.
- 1.3.3 The member of staff will ensure that appropriate action is taken to deal with the matter speedily - **usually within five school working days**. Staff will also notify the Headteacher/Principal that a concern has been raised.
- 1.3.4 Where the concern relates to the specific actions of a member of staff, you should initially meet with the Headteacher/Principal to discuss the problem (see Stage 2). In the rare circumstances where the complaint is against the Headteacher/Principal, then you should discuss the matter with the Headteacher/Principal in the first instance if appropriate. In some circumstances you may prefer to contact the Chair of the Governing Body via the academy and proceed to Stage 3 of the process.
- 1.3.5 In most cases the member of staff who is dealing with the concern will respond to you verbally. This stage of the process seeks to resolve your concern as informally as possible. A written response will only be provided if this seems to be the best way of making the process or the outcome clear.
- 1.3.6 Where a response (verbal or written) has been received but is considered to be unsatisfactory, then you should inform the Headteacher/Principal **within ten school working days** that you wish your concern to be considered further (Stage 2).

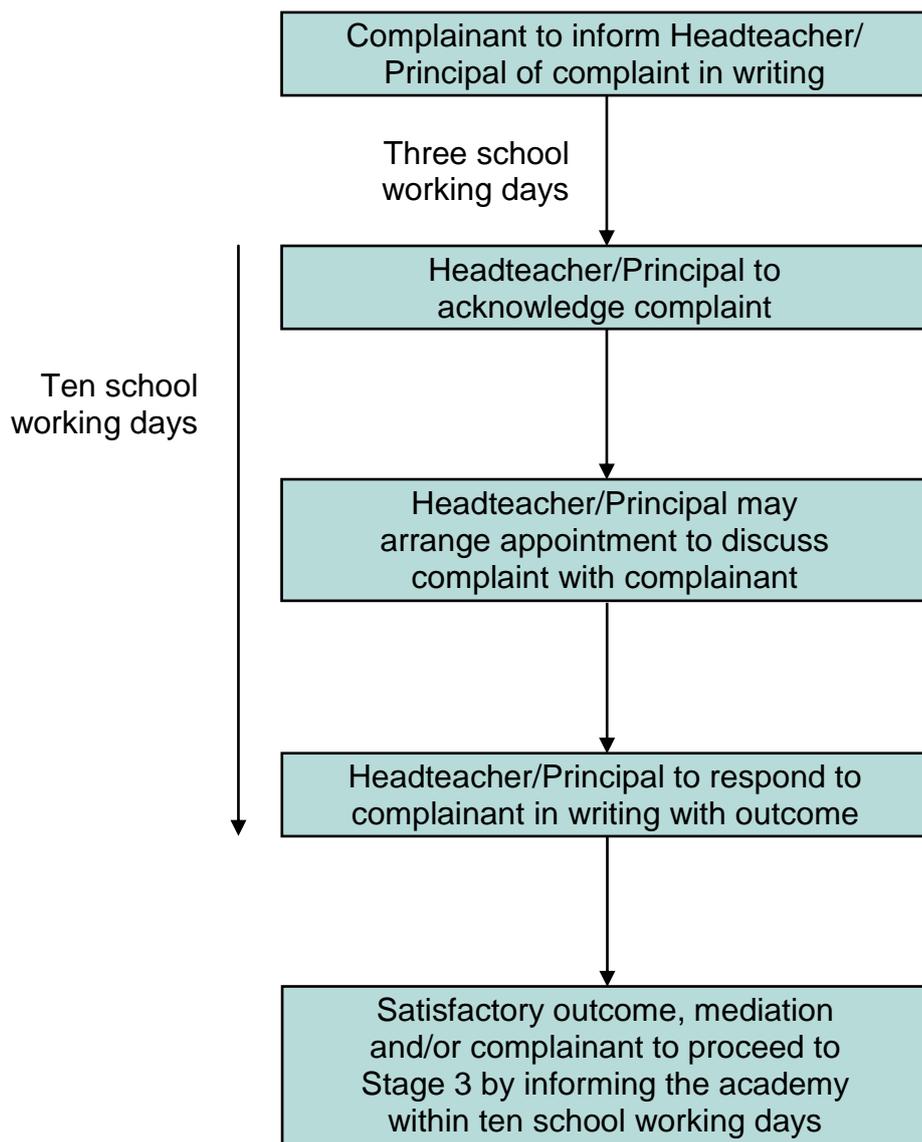
Stage 2

Consideration by the Headteacher

Stage 2 - Consideration by the Headteacher/Principal

2.1 Flow chart

Consideration by the Headteacher/Principal (or other appropriate person)



Stage 2 - Consideration by the Headteacher/Principal

2.2 Guidelines

- 2.2.1 As Headteachers/Principals have responsibility for the day-to-day running of their academies, they have responsibility for the implementation of the complaints procedure, including decisions about their own involvement at the various stages. This has the benefit of allowing different points of view to be considered and alternative approaches or solutions to be taken into consideration by the Headteacher/Principal.
- 2.2.2 Headteachers/Principals will need to make arrangements to ensure that their involvement does not dominate every stage of a particular complaint. For example, arrangements may be made for other staff to deal with concerns at Stage 1, while the Headteacher/Principal makes contact with complainants at Stage 2. In larger academies the Headteacher/Principal may decide to delegate the investigation of a complaint to a senior member of staff.
- 2.2.3 If your complaint is about the conduct of the Headteacher/Principal then you must contact the Chair of the Governing Body who will initiate Stage 3 of the complaints procedure.

Stage 2 - Consideration by the Headteacher/Principal

2.3 Procedure

- 2.3.1 Stage 2 complaints should be in writing unless you are unable to express the complaint in writing (in which case advice is available from the Area Schools Support Service).
- 2.3.2 Your letter should be acknowledged in writing **within three school working days** of receiving the complaint. The acknowledgement will include a copy of the academy's complaints procedure and a target date for providing a response to your complaint. This will normally be **within ten school working days**. Where this is not possible, a letter will be sent explaining the reasons for the delay and giving a revised target date (if you need help understanding the letter contact the academy or the Area Schools Support Service).
- 2.3.3 The Headteacher/Principal (or designated member of staff) will normally offer an opportunity for a parent of a pupil at the academy to meet with him/her to discuss their concern and supplement any of the information provided previously. This may not always be necessary for complainants who have stated their concern in writing or by telephone or email. If you want a meeting with the Headteacher/Principal you should request this.
- 2.3.4 If you meet with the Headteacher/Principal a note taker may be present to record the main points of the discussion; they will let you have a copy of the notes. You may, if you wish, be accompanied to this meeting by a friend, relative, representative or advocate who can speak on your behalf. You must, however, inform the academy whom you intend to bring to the meeting. The academy should facilitate interpreting facilities, if required, provided that you give notice of your requirements.
- N.B. If the complaint relates to a child protection concern there is a different set of procedures, which MUST be followed (Surrey Safeguarding Children's Board Procedures).**
- 2.3.5 Once all relevant facts have been established, the Headteacher/Principal will then write to you and may wish to meet you to discuss/resolve the matter directly. A written response will include a full explanation of the decision and the reasons for it. Where appropriate, this will include what action the academy will take to resolve your complaint.

Stage 2 - Consideration by the Headteacher/Principal

2.3 Procedure (continued)

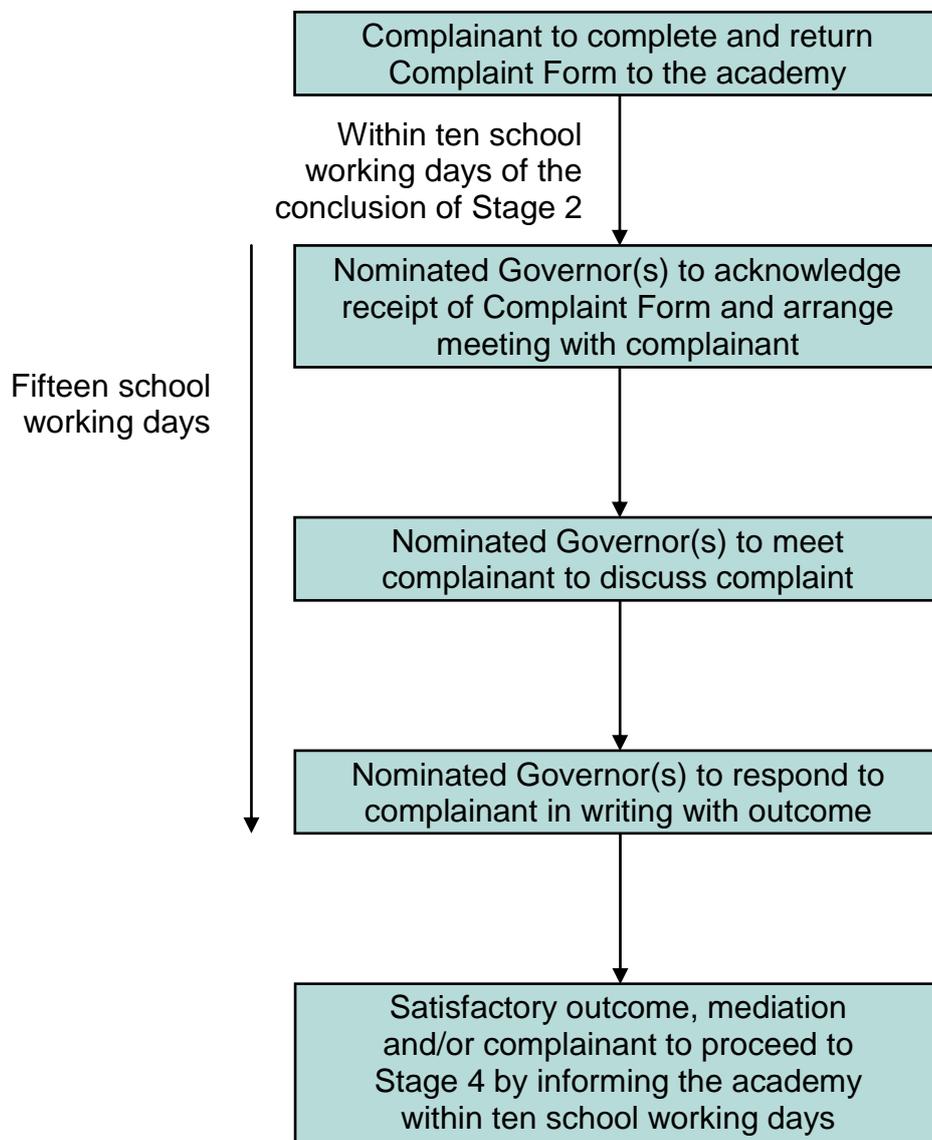
- 2.3.6 Where the Headteacher/Principal considers that disciplinary action, for either a staff member or a pupil is required, you will be informed that appropriate action has been taken, but the specific sanction will remain confidential and cannot legally be disclosed to you for reasons of confidentiality and the rights of individuals.
- 2.3.7 Should your complaint not be resolved, mediation between you and the academy may be available from the Area Schools Support Service before proceeding to the next stage. The Area Schools Support Service representative will remain objective and impartial throughout all the stages of the complaints procedure.

Stage 3

Consideration by the Nominated Governor(s)

Stage 3 - Consideration by the Nominated Governor(s)

3.1 Flow chart



Stage 3 - Consideration by the Nominated Governor(s)

3.2 Guidelines

- 3.2.1 If a complaint is about the conduct or actions of the Headteacher/Principal, or if the Headteacher/Principal has been unable to resolve the issues to your satisfaction you should complete the *Stage 3 Complaint Form* available from the academy office and/or website. Assistance with this is available from either the academy or the Area Schools Support Service.
- 3.2.2 It is in the interest of all parties concerned to try and resolve the complaint at this stage. If a decision is taken to move to Stage 4 the process inevitably becomes more adversarial.
- 3.2.3 The Chair of the Governing Body will decide who will investigate your complaint at Stage 3 and may choose to delegate the management of the complaint to the Nominated Governor(s). The Nominated Governor(s) will investigate your concerns in detail and make recommendations to the academy. This person will be precluded from reviewing the complaint at Stage 4. One of the reasons for having the Nominated Governor(s) at this stage in the complaint procedure is to reassure you that an impartial person is carrying out the investigation.
- 3.2.4 The Nominated Governor(s) will be objective and impartial and you should trust them to do everything they can to resolve the complaint. It should be noted that governors are volunteers and not normally education experts. They have to fit in their governor duties around their own work and personal commitments. They will, however, have a good knowledge of the academy and will be focussed on delivering good 'customer care'.
- 3.2.5 The Nominated Governor(s) should be in a position to prioritise the investigation at this stage to ensure its timely resolution. Governors have a responsibility for implementation of the academy's complaints procedure and are acting on behalf of the full governing body in this regard.
- 3.2.6 The academy may notify the Area Schools Support Service of any complaint reaching this stage. The Area Schools Support Service will ensure that the Nominated Governor(s) receives appropriate guidance and support. The Area Schools Support Service represents Surrey County Council and aims to ensure that all complainants are treated fairly and that everything possible is done to achieve a resolution.

Stage 3 - Consideration by the Nominated Governor(s)

3.2 Guidelines (continued)

- 3.2.7 Governors know that this is a confidential process and will not share information with parties other than those directly involved with the complaint - **this includes other governors who may have to be involved at a later stage**. You should not attempt to involve other governors in your complaint as this may compromise their objectivity in taking part in any Stage 4 Complaint Review Panel.
- 3.2.8 Governors are mindful of the Data Protection Act and will not disclose personal information relating to third parties, e.g. other pupils, parents and staff.
- 3.2.9 Where a complainant seeks an internal review of a response to a Freedom of Information or Data Protection Act request, Stage 3 is the final stage of the complaints procedure. It is recommended that two governors, with no previous involvement in the matter, undertake the internal review and ensure that the complainant is provided with details of next steps i.e. that if the complainant remains dissatisfied following the internal review; they have access to further action via the Information Commissioner's Office website (www.ico.org.uk).

Stage 3 - Consideration by the Nominated Governor(s)

3.3 Procedure

- 3.3.1 You should complete the academy's *Stage 3 Complaint Form* (available from the academy office and/or website) in order to clarify the individual aspects of the complaint and/or to highlight any outstanding issues unresolved at Stage 2. The form should be sent to the Chair of the Governing Body who will either investigate your complaint personally or nominate another governor to do so. If you require assistance in completing the form you should inform the academy or the Area Schools Support Service via the Surrey County Council Contact Centre on 03456 009 009.
- 3.3.2 The Nominated Governor(s) will acknowledge receipt of the form in writing to you **within five school working days** and give you a target date for providing a response. This will normally be **within fifteen school working days of receipt of the complaints form**, although complex complaints may take longer to investigate. Where the target date cannot be met a letter will be sent to you explaining the reasons for the delay and revising the target date.
- 3.3.3 At this stage the Nominated Governor(s) should offer to meet with you to clarify aspects of your concern and to seek further information before embarking on their investigation. A member of the Area Schools Support Service may attend this meeting if requested by either party; their role will be to listen and give advice. The Area Schools Support Service will not provide advocacy for either you or the academy, as they will need to remain objective in order to advise at any later stage in the process.
- 3.3.4 The Nominated Governor(s) may arrange for a clerk/ note taker to be present to make a written record of the key points. This would be useful evidence should the complaint escalate to Stage 4.
- 3.3.5 You may, if you wish, be accompanied to the meeting by a friend, relative, representative or advocate. You must inform the academy whom you intend to bring to the meeting. The academy should support you in seeking interpreting or advocacy services if they are required. You should request assistance well in advance of the meeting.
- 3.3.6 It is important for the Nominated Governor(s) to remain as objective as possible whilst conducting the investigation. Any correspondence or written statements from previous stages of the complaint will be made available to the Nominated Governor(s). The Nominated Governor(s) should then discuss the issues with the Headteacher/Principal and/or other members of staff. On the basis of the written evidence and discussions the Nominated Governor(s) may require the Headteacher/Principal to obtain further evidence or statements. The Headteacher/Principal's investigation notes may be covered by the Data Protection Act 1988 and may not be available to you.

Stage 3 - Consideration by the Nominated Governor(s)

3.3 Procedure (continued)

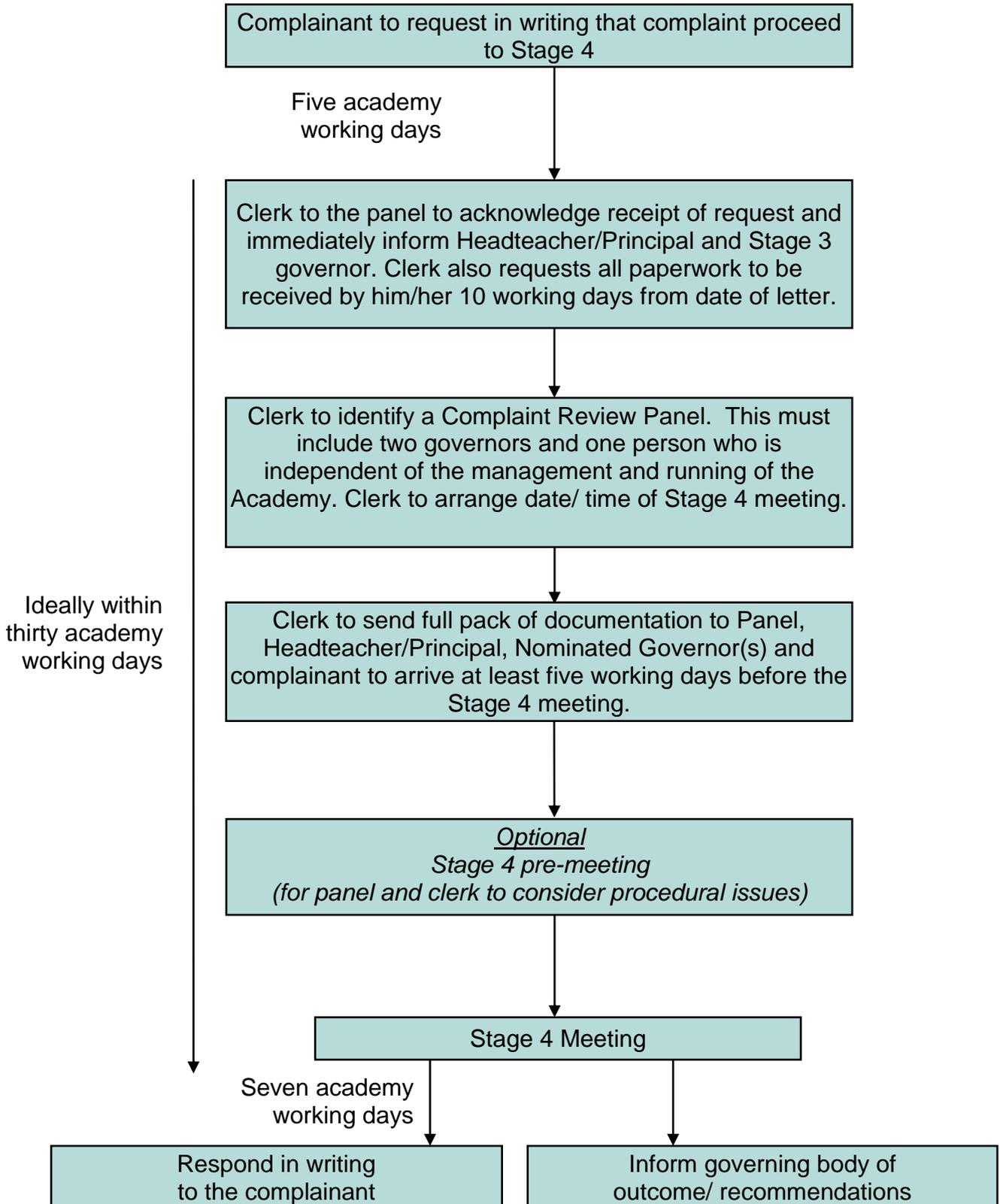
- 3.3.7 Once all the relevant facts have been established the Nominated Governor(s) will produce a written response to the complainant. The Nominated Governor(s) may also wish to meet with you to discuss the findings and resolve the matter directly. A written response should include a full explanation of the decision and the reasons for it; where appropriate this will include the action the academy will take or has taken to resolve your complaint. **However, if a disciplinary outcome is indicated this information will not be shared with you. You will need to trust that the academy has taken the appropriate action.**
- 3.3.8 A mediation and reconciliation service is offered by the Area Schools Support Service as part of their purchased services to academies. If you feel that it might be helpful to use this as part of the outcome of a Stage 3 complaint, in order to restore positive relations between you and the academy you may wish to suggest this to the academy.

Stage 4

Consideration by a review panel of governors

Stage 4 - Consideration by a review panel of governors

4.1 Flow chart



Stage 4 - Consideration by a review panel of governors

4.2 Guidelines

- 4.2.1 Complaints rarely reach this stage. At this stage academies will almost certainly have sought advice from the Area Schools Support Service and/or the Diocese in the case of church academies. All complaints that reach this stage will have done so because the complainant has not been satisfied by the Headteacher/Principal's response at Stage 2 or the investigation by the Nominated Governor(s) at Stage 3. It is not possible to go straight to Stage 4 in this procedure. Stages 1 to 3 must first have been completed in order to try and achieve a resolution.
- 4.2.2 A Complaint Review Panel will be convened to review the matter in detail. The panel will consist of two governors and one person who is independent of the management and running of the Academy. The panel will normally invite you, the Headteacher/Principal and the Stage 3 Nominated Governor(s) to attend the meeting to explain their actions. If you choose to decline this invitation or fail to attend, the review will go ahead in private (without all invitees) using only the written evidence.
- 4.2.3 If the Complaint Review Panel believes that the procedure has not been correctly followed, or that the evidence does not support the conclusion taken at Stage 3, or that the process was flawed in some way then it can uphold the complaint and direct the academy to re-investigate the matter. The Complaint Review Panel will not simply overturn the decision taken by the Headteacher/Principal or the Nominated Governor(s) because you do not agree with the outcome.
- 4.2.4 A Complaint Review Panel may fully or partially uphold a complaint or indeed overturn it. It will provide reasons for its decision in writing. Stage 4 is the final stage of the academy complaints procedure.
- 4.2.5 This may be the last chance for a solution or compromise to be reached; every effort should be made to reach agreement through mediation or reconciliation as part of the outcome. The advice and expertise of the Area Schools Support Service is particularly helpful at this stage. It should be noted that the Area Schools Support Service may be involved in advising both parties of their rights, responsibilities and the protocol to be followed. It is the role of the Area Schools Support Service to remain impartial and objective throughout the process and support a resolution to the complaint.
- 4.2.6 The Complaint Review Panel will comprise of three people not directly involved in the matters detailed in the complaint, one of whom must be independent of the management and running of the Academy.

Stage 4 - Consideration by a review panel of governors

4.2 Guidelines (continued)

- 4.2.7 Members of the Complaint Review Panel need to be able to consider the complaint in an objective manner. Legally speaking, prior knowledge of the complaint, or of the general situation leading up to the complaint, does not preclude a governor from taking part in a review. However, some complainants are less confident with the composition and objectivity of the Complaint Review Panel if some or all of its members have prior knowledge of the details. Ultimately the ability to remain objective is a matter for both the individual panel member and the governing body to decide.
- 4.2.8 In the interests of equality and fairness complaint reviews should normally be held at a time and venue which is mutually convenient for all parties to attend. This may be at the academy, in which case sufficient time should be allocated and attention to comfort and confidentiality should be given. In some cases other public buildings may be used to hear complaints.
- 4.2.9 All Stage 4 decisions will be communicated in written format after the hearing. If you require assistance in accessing the decision, the academy will make sure you are given assistance and support, providing you let them know you will need this.

Stage 4 - Consideration by a review panel of governors

4.3 Procedure

4.3.1 You should write to the Chair of the Governing Body requesting that your complaint is reviewed by a Complaint Review Panel. Following your request the procedures outlined below will be followed:

- The Clerk to the Complaint Review Panel (usually the Clerk to the Governing Body) will write to you to acknowledge receipt of the written request **within five academy working days**. The acknowledgement will inform the complainant that a Complaint Review Panel will review the complaint **ideally within thirty academy working days** of receiving your request, unless there are exceptional circumstances.
- The letter will also ask if there is any further paperwork that you wish to submit, and give a deadline of 10 academy working days from the date of the letter for this. All concerned, including you, should receive the full pack of paperwork **at least five academy working days** prior to the review meeting. Only in exceptional circumstances will new evidence be accepted after this time and this is at the discretion of the Chair of the Complaint Review Panel.
- The date, time and venue should be at convenient time for all parties. Up to three possible dates should be offered to you but if these all fail to be suitable then the review will be conducted in private. This will involve detailed consideration of all the written evidence by the Complaint Review Panel but will not require your attendance or that of the Stage 3 Nominated Governor(s) and the Headteacher/Principal. The Clerk to the Complaint Review Panel will be in attendance to minute the proceedings and a representative of the Area Schools Support Service may also be present, if invited by the Complaint Review Panel, to provide procedural advice and witness the fairness and rigour of the process.
- You should be notified in writing of your right to be accompanied to the review meeting by a friend/advocate/interpreter. The letter should also explain that the meeting will be conducted in line with the guidelines *Guidance for Conduct of a Complaint Review Panel*.
- The Clerk to the Complaint Review Panel will convene the meeting for the Stage 4 Complaint Review Panel and will distribute all the paperwork. The panel will elect a Chair for the review hearing. This must not be the Headteacher/Principal or other member of staff who is a governor of the academy; nor can it be the Chair of the Governing Body or Nominated Governor(s) if they have been involved at a previous stage of your complaint.
- The Complaint Review Panel may request that members of staff produce a written report, if appropriate. The panel will not interview children or invite pupils as witnesses to the review meeting.

Stage 4 - Consideration by a review panel of governors

4.3 Procedure (continued)

- It is the responsibility of the Chair of the Complaint Review Panel to ensure that the Clerk to the Complaint Review Panel properly minutes the meeting and that the minutes are distributed to all parties involved at Stage 4. Please note that the minutes are the property of the governing body.

A model procedure for conduct of the meeting is included in this guidance.

- 4.3.2 The aim of the meeting will be to review how the academy has managed the complaint and, if possible, to achieve reconciliation between you and the academy. However, it has to be recognised that sometimes it may only be possible to establish facts and make recommendations as to future action in order to satisfy you that your complaint has been taken seriously.
- 4.3.3 At the conclusion of the meeting the Chair of the Complaint Review Panel should explain that the panel would consider its decision and write to all parties with the outcome of the review **within seven school working days**.
- 4.3.4 A report and any recommendations will be made to the academy's governing body at the next full meeting.
- 4.3.5 A written statement outlining the decision of the Complaint Review Panel will be sent to you and the Headteacher/Principal, with a copy to the Area Schools Support Service.

Stage 4 - Consideration by a review panel of governors

4.4 Guidance for conduct of a Complaint Review Panel

4.4.1 The Chair of the Complaint Review Panel will invite everybody into the room at the same time. He/she will facilitate introductions and clarify roles.

4.4.2 The Chair of the Complaint Review Panel will explain to all present the purpose of the meeting, which is to:

- Review evidence and outcomes from Stages 1 to 3
- Evaluate whether the academy has followed its policies and procedures
- Consider ways to achieve reconciliation between the academy and the complainant

4.4.3 The Chair of the Complaint Review Panel will then outline the procedure for the meeting. He/she should listen to any concerns about the procedure but has the final decision about the arrangements:

- The complainant will outline their complaint
- The Headteacher/Principal will be given the opportunity to seek clarification from the complainant
- The panel may seek clarification from the complainant
- The Headteacher/Principal and the Nominated Governor(s) (Stage 3) will state the academy's case
- The complainant will be given the opportunity to seek clarification from the Headteacher/Principal and/or Nominated Governor(s)
- The panel may seek clarification from the Headteacher/Principal and/or Nominated Governor(s)
- The Headteacher/Principal and/or Nominated Governor(s) will be given the opportunity to summarise their position
- The complainant will be given the opportunity to summarise why they feel the academy has not properly addressed their complaint
- The meeting will then close. The panel will then deliberate. If the representative of the Area Schools Support Service is present he/she may remain, along with the Clerk to the Complaint Review Panel, to offer procedural advice.

4.5.1 The Complaint Review Panel will then arrive at its decision. This will cover:

- Findings on the complaint
- Appropriate action to be taken by the academy
- Any recommended changes to the academy's systems or procedures

The decision will be notified to all parties, in writing, **within seven school working days**.

Further Action

5. Further action after all four stages are complete

5. Further action after all four stages are complete

- 5.1 The Education Funding Agency (EFA) handles complaints about academies and free schools. Part of their role is to make sure that academies comply with the terms of their funding agreement, which is a contract between the academy and the Secretary of State.

In general, the EFA will only consider a complaint after it has been through the academy's own procedure. The EFA will look at complaints about academies that fall into the following areas:

- Undue delay or non-compliance with an academy's own complaints procedure
- An academy's failure to comply with a duty imposed on it under its funding agreement with the Secretary of State.
- An academy's failure to comply with any other legal obligation, unless there is another organisation better placed to consider the matter.

EFA

www.education.gov.uk/help/contactus/efa

EFA Complaints
Chief Executive's Office
53-55 Butts Road
Earlsdon Park
Coventry
CV1 3BH

- 5.2 Ofsted has specific powers (under sections 11 A-C of the Education Act 2005 (as amended)) to investigate certain complaints about academies, known as qualifying complaints. Generally, the complainant must have followed the academy's own complaints procedure before referring to Ofsted. Ofsted will only consider complaints about whole academy issues and not those regarding individual pupils.

Ofsted

www.ofsted.gov.uk

Ofsted
Piccadilly Gate
Store Street
Manchester
M1 2WD

6. Complaints about academy governors

6.1 Guidelines

- 6.1.1 Complaints about individual governors are relatively rare. They generally relate to the conduct of a governor within an academy, or whilst on academy business; they may include breaches of policy or confidentiality.
- 6.1.2 Complaints about the conduct of governors outside of academy, in a private capacity, **do not fall within the remit of this policy**.
- 6.1.3 The same good practice principles, already set out in this guidance, apply to the management of complaints about individual governors. A two stage procedure is recommended and this should be managed by the Chair of the Governing Body in person, or in the event of the complaint being about the Chair of the Governing Body, by the Vice Chair of the Governing Body.
- 6.1.4 The Chair of the Governing Body must be impartial, objective and rigorous in their investigation of complaints about a fellow governor and demonstrate this to be the case. It is important that detailed notes are kept and timescales are adhered to.
- 6.1.5 The Clerk to the Governing Body is responsible for the administrative support and general advice, as with other academy complaints.

6. Complaints about academy governors

6.2 Procedure

- 6.2.1 You should present your complaint either verbally or in writing to the Chair of the Governing Body. If you require assistance the academy will facilitate this.
- 6.2.2 The Chair of the Governing Body will acknowledge receipt of the complaint **in writing within three school working days** and provide you with a target date for providing a response.
- 6.2.3 The Chair of the Governing Body should offer to meet with you to clarify aspects of your concern and to seek further information before embarking on their investigation. Meeting notes may be taken either by the Clerk to the Complaint Review Panel, the representative of the Area Schools Support Service or the Chair of the Governing Body.
- 6.2.4 The Chair of the Governing Body will then begin their investigation of the key issues. Please note that pupils will not be interviewed by governors.
- 6.2.5 The Chair of the Governing Body will report their findings and any recommendations to you in writing (and verbally if they feel this is necessary); this will usually be **within ten school working days**. The Chair of the Governing Body will give reasons for the decision to uphold, partially uphold the complaint or overturn the complaint. If there is good reason for any delay the Chair of the Governing Body will notify you, giving you a revised target date for the completion of their investigation.
- 6.2.6 If you are not satisfied with the Chair of the Governing Body's response then you should request a review of how the complaint has been managed within **ten school working days** of receipt of the response.
- 6.2.7 The Clerk to the Complaint Review Panel will write to you to acknowledge receipt of the written request within **five school working days**. The acknowledgement will inform you that a Complaint Review Panel will be convened, and will comprise of at least three people not directly involved in the matters detailed in the complaint, one of whom must be independent of the management and running of the Academy. The Complaint Review Panel will consider the complaint within **thirty school working days** of receiving the request, unless there are exceptional circumstances.
- 6.2.8 Those taking part in panels need to be able to consider the complaint in an objective manner. Prior knowledge of the complaint, or of the general situation leading up to the complaint, need not preclude a person from being an unbiased panel member. The ability to remain objective is a matter for both the individual and the governing body to decide.

6. Complaints about academy governors

6.2 Procedure (continued)

- 6.2.9 A further letter will explain to you the right of all parties to submit documentation relevant to the complaint. Three possible dates should be offered to you, but if these are unsuitable then the review may be conducted in private by the Complaint Review Panel. The Clerk to the Complaint Review Panel should be present to advise on procedure, record the discussion and record the decision; the Clerk to the Complaint Review Panel will also produce the final letter to the complainant. The Area Schools Officer may also be invited to attend to advise on procedure.
- 6.2.10 If the Chair of the Governing Body (at Stage 1) or the review panel (at Stage 2) upholds the complaint, and feels that further action against a governor is required, this will be discussed with the full governing body as a confidential item (Part Two Business) and appropriate sanctions will be implemented. This matter will be subject to the Data Protection Act and will not be reported in the public domain.

7. Unreasonably persistent complainants

7.1 Guidelines

7.1.1 The majority of people with complaints or concerns about academies behave reasonably in pursuing their complaint. This means that they:

- Treat all academy staff with courtesy and respect;
- Respect the needs of pupils and staff within the academy;
- Do not use violence (including threats of violence) towards people or property;
- Recognise the time constraints under which members of staff work and allow the academy a reasonable time to respond to a complaint;
- Recognise that resolving a specific problem can sometimes take some time;
- Follow the academy's complaints procedure

7.1.2 However, a small number of complainants may be deemed “**unreasonably persistent complainants**”.

7.1.3 Definitions:

For the purposes of this guidance an “**unreasonably persistent complainant**” is defined as follows:

An unreasonably persistent complainant is a person who repeatedly complains about issues, either formally or informally, or frequently raises issues that s/he considers to be within the remit of the academy and whose behaviour is unreasonable.

Such behaviours may be characterised where complainants display some or all of the following:

- Persist in pursuing a complaint where the academy's complaints procedure has been fully and properly implemented and exhausted at all stages (e.g. where several responses have been provided).
- Change the substance of a complaint or continually raise new issues or seek to prolong contact by continually raising further concerns or questions upon receipt of a response. Care must be taken not to discard new issues which are significantly different from the original complaints. These should be addressed as separate complaints.
- An insistence upon pursuing unmeritorious complaints and/or unrealistic or unreasonable outcomes; and/or an insistence upon pursuing meritorious complaints in an unreasonable manner. For example, complainants who are unwilling to accept documented evidence of action or who are unwilling to accept that the governing body has reached a final decision on a chosen course of action.

7. Unreasonably persistent complainants

7.1 Guidelines (continued)

- Do not clearly identify the precise issues which they wish to be investigated, despite reasonable efforts to help them specify their concerns.
- Continue to seek to pursue the complaint where the concerns identified are not within the remit of the governing body to investigate.
- Focus on a trivial matter to an extent which is out of proportion to its significance and continue to focus on this point. It is recognised that determining what a 'trivial' matter is can be subjective and careful judgements must be used in applying this criteria.
- Have in the course of addressing a complaint, had an excessive number of contacts with the academy, placing unreasonable demands on staff time.
- Make unreasonable demands and fail to accept that these may be unreasonable, for example, insist on responses to complaints or enquiries being provided more urgently than is reasonable or within the complaints procedure or normal recognised practice.

For the purposes of this guidance, “**harassment**” is defined as follows:

Harassment is the unreasonable pursuit of the actions listed above in such a way that they:

- Appear to be targeted over a significant period of time on one or more members of academy staff;
- and/or cause ongoing distress to individual member(s) of academy staff;
- and/or have a significant adverse effect on the whole/parts of the academy community;
- and/or are pursued aggressively.

7.1.4 Complainants should be aware that threatening behaviour or the use of physical violence towards staff at any time may cause personal contact with the complainant and/or their representatives to be discontinued and the complainant will, thereafter, only be contacted through written communication. The academy reserves the right to refer to the police if threatening behaviour/physical assault has taken place.

7.1.5 Recordings of meetings or telephone conversations should only occur when all parties have agreed to the recording. Circulation of such recordings to third parties without the prior knowledge and consent of other parties involved constitutes a breach of confidence.

7. Unreasonably persistent complainants

7.2 Procedure

- 7.2.1 Only the Principal/Headteacher, with the agreement of the Chair of the Governing Body, may deem a complainant 'unreasonably persistent'.
- 7.2.2 The Principal/Headteacher will ensure that there is sufficient evidence available to justify the decision.
- 7.2.3 The Chair of the Governing Body will write to the complainant to explain the decision and the way that future complaints will be dealt with. Any restrictions imposed will be appropriate and proportionate.
- 7.2.4 Some or all of the following actions may be taken, depending on the particular circumstances of the case:
- Insisting that no member of staff should meet the complainant on his/her own;
 - Restricting responses to telephone calls and emails from the complainant to specified days and times;
 - Requiring that all future contacts with the academy are in writing, except in emergencies; this includes contacts with members of the governing body, who should only be contacted at the academy address;
 - Merely acknowledging correspondence from the complainant that raises issues that have already been dealt with;
 - After consulting with Surrey County Council's Legal Services, banning the complainant from the academy premises where the complainant's behaviour constitutes a nuisance or disturbance, with any appointments with staff to be agreed in writing via the Principal/Headteacher.
- 7.2.5 All correspondence from the complainant will be considered and any new and substantive issues will be addressed and a reply sent to the complainant.
- 7.2.6 New complaints from people who have been deemed unreasonably persistent complainants in the past will be treated on their merits.
- 7.2.7 If a complainant is deemed to be unreasonably persistent this will not reflect on the academy's treatment of his/her child.
- 7.2.8 Once a complainant has been determined as persistent and/or unreasonable, such status needs to be regularly reviewed, and, where appropriate, withdrawn at a later date. Such action may be appropriate where a complainant subsequently demonstrates a more reasonable approach or submits a further complaint for which the normal complaints procedures would appear appropriate.

7. Unreasonably persistent complainants

7.2 Procedure (continued)

- 7.2.9 A panel of three governors should review their decision to categorise a complainant as persistent and/or unreasonable every six months.
- 7.2.10 The panel on review may either withdraw the categorisation of a person as persistent and/or unreasonable or amend the strategy being applied to that person.
- 7.2.11 If the panel considers it appropriate to withdraw the status of persistent and/or unreasonable, normal contact with the complainant will be resumed. The complainant will be given notice of this decision as soon as practicable.
- 7.2.12 Copies of all decisions relating to the categorisation of a person as persistent and/or unreasonable will be sent to the Clerk to the Governing Body who will hold and maintain a central register of such decisions.
- 7.2.13 The Principal/Headteacher's report to the governing body should outline the number of complainants, if any, who are categorised as persistent and/or unreasonable to enable the governing body to monitor this.
- 7.2.14 Nothing in this guidance affects an individual's statutory rights.

8. Timescales for making a complaint

8. Timescales for making a complaint

- 8.1.1 It is in the interests of all parties that concerns are raised as soon as they occur. Academies will investigate and review complaints up to six months after the event. Headteachers/Principals and governors are better able to undertake a thorough and fair investigation when the evidence trail is still fresh.
- 8.1.2 If parents wait to make a complaint until after their child has left the academy they should be aware that the child's pupil file will have been passed onto the next academy/school, if they are still of statutory school age. The Headteacher/Principal will therefore have a very limited amount of information available on which to pursue their investigation.
- 8.1.3 Complainants are therefore urged to consider how they might best obtain the resolution they desire and if this is indeed possible after considerable time has elapsed.



