

## **Concerns and Complaints Policy for Parents**

**Colchester Academy (part of the Bright Tribe/ALAT  
Trust)**

July 2018

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## 1. Introduction

- 1.1. Colchester Academy is part of Bright Tribe Trust (Trust).
- 1.2. The Academy 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.
- 1.3. We recognise that a difficulty which is not resolved quickly and fairly can soon become a cause of resentment, therefore we need to know as soon as possible if there is any cause for dissatisfaction. Parents and pupils should never feel that a complaint will be taken amiss or will adversely affect the pupil's opportunities at the Academy. This policy distinguishes between a concern or difficulty, which can be resolved informally, and a formal complaint, which will require investigation.
- 1.4. **Parent/You:** The term 'parent' includes a natural or adoptive parent (regardless of whether they are or ever have been married to the other parent, whether they have parental responsibility for the pupil, whether the child lives with them, or whether they have contact with the child), as well as a non-parent with care of the pupil, or parental responsibility for the pupil. In this policy, this term refers to a current parent, but may (at our discretion) include a prospective parent or a parent whose child has recently left the Academy. Complaints by other parties will be dealt with separately.
- 1.5. We aim to resolve all concerns, difficulties and complaints in a timely manner. Timescales for each stage are set out within this policy. When we refer to school days, we mean Monday to Friday when the Academy is open to pupils during term time only. The relevant dates for terms are published on the Academy's website.

## 2. Flexibility

- 2.1. Every concern, difficulty and complaint is different, and this policy is designed to be flexible so that they can be dealt with subjectively, in the most appropriate way.
- 2.2. There may be times when a complaint is not dealt with by the Principal or Chair of The Drive Team at Stages 2 and 3 respectively, because there is a good reason for somebody else within the Trust to deal with the complaint in their place (for example, where the person who should be dealing with it is the subject of the complaint, has been involved at an earlier stage or due to the nature of the complaint). Where this happens, you will be informed of who will be dealing with your complaint and the reason why.
- 2.3. There may also be a good reason for determining that it is not appropriate for a Stage 3 review to take place before a complaint progresses to Stage 4. This is only likely to be the case where it was deemed appropriate for the Stage 2 investigation to be carried out by the Chair of the Drive Team or a Trustee, as set out in Paragraph 2.2. Where this is the case, you will be informed that this is the case in the letter notifying you of the outcome of the Stage 2 investigation.
- 2.4. There may also be times when complaints cannot be dealt with in the timescales stated within this policy. Where this happens, we will write to you before the deadline has been reached to inform you of the new deadline and the reason for the delay.

### 3. Management of complaints

- 3.1. The Academy's complaints procedure has four stages:
  - 3.1.1. **Stage 1:** Informal raising of a concern or difficulty with a member of staff, usually orally but sometimes in writing. Further details are set out in **Appendix 1**.
  - 3.1.2. **Stage 2:** Formal raising of a complaint in writing to the Principal. Further details are set out in **Appendix 2**.
  - 3.1.3. **Stage 3:** Request in writing to the Chair of the Drive Team for the Stage 2 investigation to be reviewed. Further details are set out in **Appendix 3**.
  - 3.1.4. **Stage 4:** Request for a Complaint Panel Hearing. Further details are set out in **Appendix 4**.
- 3.2. It is for the Academy to decide the most appropriate stage for a concern, difficulty or complaint will be dealt with under, rather than parents. There may be a good reason for dealing with a concern or difficulty as a formal complaint from Stage 2 immediately, without seeking to resolve it under Stage 1. Equally, it may be appropriate to deal with a concern raised which the complaint had described as a 'formal complaint' under Stage 1, informally.
- 3.3. Separate statutory procedures apply to issues regarding child protection/safeguarding, admissions, or exclusion from school. These matters will not therefore be dealt with under this policy.
- 3.4. **Persistent or repeated complaints** (i.e. complaints which have already exhausted all stages of the procedure) will not be investigated again under this policy. Where this happens, we will write to you to tell you that this is the case and the reason why.
- 3.5. **Late complaints** (i.e. complaints about matters which all happened in excess of 12 months ago) will not be investigated under this policy, except in exceptional circumstances where the Academy is satisfied that there was a good reason for the complaint being made late. Where this happens, we will write to you to tell you this is the case and the reason why.
- 3.6. **Anonymous complaints** will not be dealt with under this policy. Where an anonymous complaint raising a significant safeguarding concern is received, it will be dealt with under the Academy's safeguarding/child protection procedures, rather than this policy.

### 4. Special assistance

- 4.1. If you or another relevant party has a protected characteristic under the Equality Act 2010 which would cause you or they to be at a substantial disadvantage in using or following the procedure in this policy, you should let us know when you submit your complaint, along with any proposals as to how we can help you or they to avoid this disadvantage. For example, if it would help to have this policy translated into another language, have an interpreter or signer at meetings, or have meetings in an accessible room, this can be arranged if you let us know in advance.

### 5. Confidentiality

- 5.1. A written record will be kept of all complaints resolved at Stage 2, Stage 3 or Stage 4. The number of formal complaints registered during the preceding school year will be supplied to parents on request.

- 5.2. All correspondence, statements and other records relating to complaints will be kept confidential, except where access is requested by the Secretary of State or where disclosure is required in the course of an inspection or under other legal authority.
- 5.3. Records of complaints relating to pupils will be retained until the pupil has reached the age of 24 years, or for 6 years from the date of an incident giving rise to a complaint, whichever is the later, to preserve records until after the statutory limitation period for proceedings has expired.

## 6. Complaints to the Education and Skills Funding Agency

- 6.1. If you remain dissatisfied after exhausting the procedure set out in this policy, it is open to you to refer your complaint to the Education and Skills Funding Agency (**ESFA**) for consideration on behalf of the Secretary of State.
- 6.2. You should note that the ESFA will not usually reinvestigate the matters raised in complaint - instead they will consider whether this policy is compliant with regulations governing complaints, and whether the Academy followed the procedure contained within it.
- 6.3. The ESFA's contact details are as follows:

**Online:** Via the ESFA's [Schools Complaints Form](#)

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

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

<b>Adopted by:</b>	Resolution of the Drive Team
<b>Date:</b>	July 2018

<b>Effective date:</b>	July 2018
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## Appendix 1 - Stage 1: Dealing with Concerns and Difficulties Informally

### 1. Dealing with a concern or difficulty informally

- 1.1 We expect that most concerns and difficulties can be resolved informally. For example, dissatisfaction about some aspect of teaching, pastoral care or a billing error should be able to be resolved by the relevant member of staff.
- 1.2 Some complaints (for example, those alleging misconduct or discrimination, or raising a safeguarding concern) are taken very seriously and are likely to be dealt with under Stage 2 immediately, without action under Stage 1. It is for the Academy to determine if this will be the case.

### 2. Who to contact

- 2.1. Where appropriate, concerns and difficulties 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 contact the relevant Form Teacher.
  - 2.1.2. **Pastoral care:** For concerns relating to matters outside the classroom, contact the Form Teacher.
  - 2.1.3. **Disciplinary matters:** A problem over any disciplinary action taken or sanction imposed on a pupil should be raised initially with the member of staff who imposed it.
- 2.2. A concern raised in writing will usually be acknowledged by telephone, email or letter within 3 school days of the date it was received, or within **3 school days** of the day on which Academy reopened if it was received during a school holiday, where appropriate to do so. Where a response to the concern or difficulty is sent within that time period, it will not be necessary to formally acknowledge it as well. A matter raised orally will not usually be formally acknowledged.
- 2.3. If your concern or difficulty has not been resolved informally within **15 school days**, it is open to you to submit a complaint in writing under **Stage 2**, in accordance with the procedure set out in **Appendix 2**.

## Appendix 2 - Stage 2: Formal Complaint Investigation by the Principal

### 1. How to make a formal complaint

- 1.1. If you are dissatisfied with the response to the concern or difficulty you raised under Stage 1, or you wish to raise a complaint which you believe requires formal investigation or involves dissatisfaction with the Academy's policies or its management, you should submit it under Stage 2. The Academy does, however, reserve the right to deal with concerns and difficulties raised in writing under Stage 1 formally under Stage 2, or relatively minor complaints raised formally under Stage 2 for the first time under Stage 1 informally, where deemed appropriate.
- 1.2. Full details of your complaint must be clearly set out in writing and sent with all relevant documentation, and full contact details, to the Principal.
- 1.3. Your complaint will be acknowledged **in writing** within **3 school days** of the date it was received, or within **3 school days** of the day on which the Academy reopened if it was received during a school holiday. The letter will confirm the action that is being taken and the likely timescale involved.

### 2. Investigation

- 2.1. The Principal will either investigate the factual matters you have raised in your complaint themselves, or delegate this to a senior member of staff where appropriate, in order to determine those factual matters.
- 2.2. The Principal or investigator may request additional information from you and may want to speak to you personally over the telephone or in person, as well as to others who may have knowledge of the matters you have raised.
- 2.3. Written records will be kept of all meetings which take place. Where the investigation is delegated, the investigator will report the outcome of their investigation to the Principal for consideration before a decision is made.

### 3. Decision

- 3.1. The Principal will make a decision and notify you whether your complaint (or any element of it) is upheld, partially upheld or not upheld, with reasons, within 15 school days of the date that your complaint was received, or within 15 school days the day the school reopened if it was received in a school holiday.
- 3.2. If you are dissatisfied with the Principal's decision, you may ask for your complaint to be considered by the Chair of the Drive Team under Stage 3, in accordance with the procedure set out in **Appendix 3**.

## Appendix 3 - Stage 3: Review by the Chair of the Drive Team

- 1 If you are dissatisfied with the Principal's decision under Stage 2, you may ask for the investigation into your complaint to be reviewed by the Chair of the Drive Team under Stage 3.
- 2 Your request must be made **in writing** to the Chair of The Drive Team within **5 school days** of the date that you received the letter confirming the Principal's decision. You do not need to repeat your complaint or attach any documents you have previously provided, as these will already be in the complaint file which will be provided to the Chair, but you should set out why you are dissatisfied with the response under Stage 2.
- 3 Your request will be acknowledged in writing within **3 school days** of the day it was received, or within **3 school days** of the day that the Academy reopened if it was received during a school holiday. The letter will confirm the action that is being taken and the likely timescale involved.
- 4 Your complaint will be reviewed by the Chair of the Drive Team, who will also investigate any other relevant matter which they deem appropriate.
- 5 Following their review, the Chair of the Drive Team will notify you in writing of their decision and the reasons for it within **15 school days** of the date your request was received, or within **15 school days** of the day that the Academy reopened if it was received during a school holiday.
- 6 If you are dissatisfied with the decision of the Chair of the Drive Team, you may request a Complaint Panel Hearing under Stage 4, in accordance with the procedure set out in **Appendix 4**.



## Appendix 4 - Stage 4: Complaint Panel Hearing

### 1. What is a Complaint Panel Hearing?

1.1. A Complaint Panel Hearing provides an opportunity for the decisions of the Principal and Chair of the Drive Team to be reviewed. The Complaint Panel will not consider any new complaints raised, except where they relate to the way in which the complaints procedure was followed in relation to the original complaint at Stages 2 and 3.

1.2. The role of the Complaint Panel is to establish the facts surrounding the complaint by considering:

1.2.1 The documents provided by all parties contained in the complaint file; and

1.2.2 Any representations made by you, the Principal and/or the Chair of the Drive Team;

and making findings of fact, on a balance of probabilities, before making a decision as to whether each element of your complaint is upheld, partially upheld or not upheld. You should note that it is possible for some elements of your complaint to be upheld, while others are only partially upheld or not upheld.

- 1.3. The Complaint Panel does **not** have the power to make any financial award, or impose sanctions on any member of staff, pupil or other parents. The Complaint Panel may make recommendations on any matter to the Principal, Trust and/or Drive Team, as appropriate.

## 2. How to request a Complaint Panel Hearing

- 2.1. A request for a Complaint Panel Hearing must be made in writing to the Clerk to the Drive Team within **5 school days** of the date of the letter notifying you of the outcome under Stage 3 was received. A request will usually only be considered if Stages 2 and 3 have been completed.
- 2.2. You do not need to repeat your complaint or attach any documents you have previously provided, as these will already be in the complaint file which will be provided to the Complaint Panel, but you should set out why you are dissatisfied with the response under Stages 2 and 3. You may also request relevant documents which you believe to be in the Academy's possession which you believe it is appropriate for the Complaint Panel to see.
- 2.3. Your request should confirm whether you would like to be accompanied to the Complaint Panel Hearing by a friend or relative, who will attend as a supporter and may make representations on your behalf. The Complaint Panel Hearing is not a legal hearing, and legal representation is therefore not appropriate and deemed unnecessary.
- 2.4. Your request should confirm whether you want to bring any witnesses with you to the Complaint Panel Hearing to make an oral statement to the Complaint Panel, with their full names and the reason why you believe that they have relevant information to provide. You should note that the Complaint Panel is under no obligation to hear oral evidence from witnesses but may do so where they deem this appropriate. The Complaint Panel may, at their discretion, take into account written statements.
- 2.5. The Clerk/administrative support to the Drive Team will acknowledge your request in writing within **3 school days** of the day it was received, or within **3 school days** of the day that the Academy reopened if it was received during a school holiday. The letter will inform you who will be the Clerk to the Complaint Panel, which is usually (but may not always be) the Clerk/administrative support to the Drive Team.
- 2.6. Every effort will be made to enable the Complaint Panel Hearing to take place on a mutually convenient date within **15 school days** of the day your request was received, or within **15 school days** of the day that the Academy reopened if it was received during a school holiday. You should note that the Complaint Panel Hearing will not be convened during school holidays, except at the Academy's discretion in exceptional circumstances.

## 3. Planning the Complaint Panel Hearing

- 3.1. As soon as reasonably practicable, preferably **10 school days** before the hearing, the Clerk to the Complaint Panel will send written notification to each party of the date, time and place of the Complaint Panel Hearing.
- 3.2. Copies of any relevant additional documents you wish the Complaint Panel to consider should be sent to the Clerk to the Complaint Panel to be received at least **5 school days** prior to the date of the

Complaint Panel Hearing. This includes any signed and dated witness statements you would like the Complaint Panel to take into consideration.

- 3.3. The Clerk to the Complaint Panel will circulate a bundle of relevant documents to yourself, the Principal, the Chair of the Drive Team and the Complaint Panel members, at least **3 school days** prior to the Complaint Panel Hearing. The bundle will include relevant policies and statutory and non-statutory guidance published by the Department for Education.

## **4. Appointment of the Complaint Panel**

- 4.1. The Complaint Panel will consist of three members who have no detailed prior knowledge of the circumstances which led to the complaint, or yourself and your family. Although two of the members of the Complaint Panel may be Drive Team members or Trustees, one member will be wholly independent of the management and running of the Academy or the Trust (i.e. they will not be an employee of the Trust or a Drive Team member at any of its Academies, or a Trustee).
- 4.2. The Complaint Panel members will choose one of their number to be the Chair of the Complaint Panel throughout the process.
- 4.3. You may ask the Clerk to the Complaint Panel to tell you who has been appointed to the Complaint Panel before the Complaint Panel Hearing takes place.

## **5. The Complaint Panel Hearing**

- 5.1. The Complaint Panel Hearing will be conducted informally, and all parties will be given an opportunity to make representations and ask questions in an appropriate manner.
- 5.2. Where the Complaint Panel has permitted a witness to attend and give an oral statement to them, they will only be permitted to enter the room to provide their oral statement, after which time they will be asked to leave.
- 5.3. All parties are expected to show courtesy, restraint and good manners. If they fail to do so after due warning, the Complaint Panel Hearing may be adjourned or terminated, at the discretion of the Chair. If terminated for this reason, the decision reached at the conclusion of Stage 3 will stand.
- 5.4. Any party who is dissatisfied with any aspect of the way in which the Complaint Panel Hearing is being conducted must make this known immediately, before the hearing proceeds further, so that their dissatisfaction is recorded in the minutes and steps can be taken to remedy this, if possible.
- 5.5. The Complaint Panel may, at their discretion, adjourn the Complaint Panel Hearing for further investigation of any relevant issue. This may include an adjournment to allow the Complaint Panel to seek legal advice on any relevant matter.
- 5.6. All parties may take notes for their own reference purposes, however the Clerk to the Complaint Panel will formally record the minutes for the record. These can be requested after the Complaint Panel Hearing has concluded.
- 5.7. The Complaint Panel Hearing will take places in private. No audio recordings are permitted to be made (except by the Complaint Panel itself, in appropriate cases at their discretion and where this has been notified to all parties in advance).

- 5.8. No notes, other records or statements about any matter discussed during or arising from the Complaint Panel Hearing shall be shared with or otherwise made available to, directly or indirectly, the press or in social media (including in closed membership groups or forums).

## **6. The Complaint Panel's decision**

- 6.1. The Panel will make findings of fact on a balance of probabilities unless there is an agreed position between the parties on any particular matter and may make recommendations as appropriate.
- 6.2. The findings and any recommendations will be confirmed in writing to you within **10 school days** of the date of the Complaint Panel Hearing.
- 6.3. The findings and any recommendations will be made available for inspection on the Academy's premises by the Principal, the Drive Team and the Trust Board.



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