



All Saints'  
Academy  
Cheltenham

## Complaints Policy

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<b>Staff Owner:</b>	<b>Mr Dermot McNiffe</b>
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# Complaints Policy

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# Complaints Policy

## All Saints' Academy

### 1. Introduction

1.1 The policies of All Saints' Academy, with its distinctive Anglican and Catholic foundation, exist to support the Sponsor's Christian vision, ethos and values that are embedded in the day-to-day and long term running of the Academy. Each policy evidences the commitment of the Sponsor to developing Body, Mind and Spirit.

1.2 This policy is for dealing with complaints from parents of students at the Academy.

1.3 'Parents' includes anyone with parental responsibility for a student.

1.4 Complaints can cover a wide variety of matters that concern parents. The Academy expects all complaints to be taken seriously and to be dealt with comprehensively, and as far as possible, in confidence (except where disclosure is required in the course of the Academy's inspection or where any other legal obligation prevails).

1.5 The Academy's complaints policy allows complaints about Academy issues to be dealt with efficiently and sensitively, and at the appropriate level.

1.6 This policy can be made in larger print or in a more accessible format if required. Please contact the Clerk to Trustees at [clerk@asachelt.org](mailto:clerk@asachelt.org)

### 2. Aims

2.1 The policy aims to ensure that:

- all complaints from parents, are dealt with as quickly and sensitively as possible, and by the person best able to do so;
- as far as possible all concerns will be dealt with as informally as possible; and
- a complainant will receive a response, even if not the final response, to their complaint within 2 working days wherever reasonably practicable.

### 3. Responsibilities:

#### 3.1 Board of Trustees

The Board of Trustees is responsible for:

- making and reviewing the policy, procedures, and guidelines;
- hearing and deciding on appeals;
- receiving reports;
- advising the Principal.

#### 3.2 The Chair of the Board of Trustees

The Chair of the Board of Trustees is responsible for:

- receiving complaints at Stage 3 (see below);
- nominating a panel of at least three people to hear the appeal;
- nominating a Chair of the panel;
- ensuring that the panel follows the correct procedure.

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### 3.3 Chair of the Panel at Stage 3

The Chair of the Panel is responsible for ensuring that:

- the parties understand the procedure;
- the issues are addressed;
- key findings of fact are established;
- complainants are put at ease;
- the hearing is conducted as informally as possible;
- the panel is open-minded and acts independently;
- no member of the panel has a vested interest in the outcome, or has been involved in the issues previously;
- all parties have the chance to be heard;
- all relevant material is seen by all parties.

### 3.4 Clerk to the Board of Trustees

All formal complaints are passed to the Clerk to the Board of Trustees, who will act as the Complaints Co-ordinator. The Clerk will act as the reference point for the complainant at Stage 3. The Clerk must:

- keep written records of all complaints received, including indication as to which stage the complaint was resolved at;
- arrange convenient dates and times and venues for hearings once complaints are escalated to Stage 3;
- collate all relevant supporting documents and forward it to the parties;
- meet and welcome the parties;
- record the proceedings, and
- notify the parties of the decision.

### 3.5 Principal

The Principal is responsible for:

- the overall internal management of the procedures;
- for hearing complaints at the second stage (see below);
- ensuring that the procedures are monitored and reviewed and reports made to the Board of Trustees.

### 3.6 Vice Principals

- Vice Principals are responsible for dealing with and where possible resolving complaints about academic matter/procedures of study/teaching methods at stage 1 of the procedures.

### 3.7 Assistant Vice Principals

- Assistant Vice Principals are responsible for dealing with and where possible resolving complaints concerning overall student progress, discipline issues, pastoral care at stage 1 of the procedures.

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### 3.8 The Designated Person for Safeguarding Students

- The Designated Person for Safeguarding Students may be nominated by the Principal to deal with specific child protection issues and will deal with safeguarding issues with in accordance with the Academy's Child Protection and safeguarding policy and procedures.

### 3.9 All staff

All staff are responsible for:

- hearing any concerns brought to them by parents;
- reassuring them that they will be dealt with as soon as possible by the appropriate member of staff;
- informing the Complaints Coordinator and any other relevant member of staff of the concerns; and
- passing any parental complaint to the Complaints Coordinator.

## **4. Information for parents**

4.1 This policy is available on the Academy's website and can be made available to parents and prospective parents upon request.

4.2 If the parents wish to make a formal complaint under Stage 2 below they should be asked to complete the Academy's Formal Complaint Form.

## **5. Complaints Procedure**

The Academy's procedure is as follows:

- Stage 1: complaint heard by staff member (who is not subject of the complaint);
- Stage 2: if the complaint is not resolved at Stage 1, complaint heard by the Principal; and
- Stage 3: if the complaint is not resolved at Stage 2, complaint heard by the Board of Trustees' complaints panel.

5.1 All staff and Trustees should be conversant with the procedures.

All staff should listen carefully and patiently to parents' complaints, recognising that their complaint is a matter of great concern to them.

If the matter is within the competence of the member of staff to resolve quickly this should be done. Otherwise the complainants should be reassured that the complaint will be passed to the relevant member of staff, this being either Assistant Vice Principals or Progress Leader as appropriate.

Staff will respect the views of the complainant who indicates that he/she has difficulty discussing a complaint with a particular member of staff. In such cases the Principal can refer the complainant to another member of staff.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the Principal may consider referring the complainant to another member of staff.

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Where the complaint concerns the Principal, the Principal can refer the complainant to the Chair of Trustees or another member of the Academy Senior Leadership Team.

Where the first approach is made to a Trustee, the Trustee will refer the complainant to the Principal who in turn will refer the matter to the appropriate member of staff (unless the Principal deems it appropriate for the matter to be dealt with by the Principal personally). Trustees will not attempt to resolve the complaint as they may be needed to sit on a complaint panel later on.

#### Informal Procedure

If a straightforward verbal communication is made it might be possible in most cases to resolve it immediately. In more serious cases, or where a member of staff is uncertain, parents and others should always be asked to put their complaint in writing. This is to ensure that there is no conflict in determining what the complaint consists of and the action taken by the member of the Academy staff.

#### 5.2 Stage 1

If the complaint cannot be resolved informally, the member of staff receiving the complaint should use the Academy's 'Complaints Form' (see appendix 1). The complaint must then be passed as soon as possible to the relevant person (Assistant Vice Principal or other senior member of staff).

If the Assistant Vice Principal or other senior member of staff considers the issue to be serious (but is not a child protection issue) he/she should inform the Principal via the Academy's 'Complaints Form', and inform the complainant of the action taken.

If the Assistant Vice Principal or other senior member of staff considers that s/he can deal with the complaint appropriately, s/he should attempt to do so. If a resolution cannot be found the relevant person should inform the complainant of their right to proceed to Stage 2, and should inform the Principal/Board of Trustees of the action taken.

If the complaint concerns a child protection issue, or involves an allegation of abuse by a member of the Academy staff, the 'Designated Person' responsible for safeguarding students should be informed and the procedures set out in the Academy's Child Protection Policy should be followed.

In cases of doubt members of staff should seek the advice of the Principal.

At Stage 1 the Academy should aim to resolve the complaint within 48 working hours, wherever reasonably practicable, of receiving it. Where this is not possible, the Principal will inform the parties of the action being taken, and when it is expected to resolve it.

No complaint should normally be left unresolved at this stage after five working days of receipt of the complaint. In exceptional circumstances the matter will be referred to the Principal who will determine the appropriate action, and will keep the parties informed.

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If parents are not satisfied with the response to the complaint made at the informal stage or Stage 1, parents may proceed to Stage 2 and put their complaint in writing to the Principal using the Academy's Formal Complaint Form.

#### 5.3 Stage 2: Referral to the Principal

The Principal will decide the outcome at this stage.

A senior member of staff delegated by the Principal may investigate all written complaints.

The Principal will normally resolve the matter within five working days of receiving notification of the complaint. In exceptional circumstances a longer time scale can be agreed, preferably with agreement with all parties.

If the Principal is unable to resolve the issue it is open to the complainant to make representations to the Board of Trustees (Stage 3).

#### 5.4 Stage 3: Appeals to the Board of Trustees

Complainants who are not satisfied by the Principal's decision can make representations to the Board of Trustees by writing to the Chair of the Board of Trustees via the Clerk, setting out in full the details of their complaint within ten working days of receiving the Principal's decision. The parents should give full details of the complaint and submit all relevant supporting documents relating to their complaint to the Chair.

The Chair will nominate a panel and a panel Chair to hear the appeal. The panel will consist of at least three people not directly involved with the matters detailed in the complaint and must include one person who is independent of the management and running of the Academy, and who is not a Trustee.

The hearing will normally be held within ten working days of the Chair receiving written details of the complaint.

The complainant will be told of their right to be accompanied by a friend, and where relevant translations/interpreters must be arranged by the Clerk in consultation with the parties. Legal representation will not normally be appropriate.

The Chair of the panel will ensure that the complainant:

- is heard in private;
- is welcomed; and
- as far as possible is put at ease.

The panel will hear the appeal(s), consider all the views expressed and decide the outcome.

The panel may:

- dismiss the complaint in whole or part;
- uphold the complaint in whole or part;
- decide on appropriate action to resolve the complaint; or

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- recommend changes to the Academy's systems or procedures.

The panel's decision is final.

The decision and the reasons for it will be communicated to the parties in writing normally within three working days of the hearing.

The Panel's findings and, if any, recommendations will be sent by electronic mail or otherwise confirmed in writing to the parents, the Principal, the Trustees and, where relevant, the person complained of. The Panel's decisions, findings and any recommendations will also be made available for inspection on the School premises.

The Clerk to the Board of Trustees will report the decision to the next Board of Trustees meeting.

#### **6. Unresolved Complaints**

6.1 If the complainant remains dissatisfied after all stages have been properly followed, the Chair may inform parents in writing that the procedure has been exhausted and that the matter is now closed.

6.2 The decision of the Trustees' Complaints Panel cannot be appealed. If, however, the complainant feels that the Academy and Trustees have not followed the Academy's complaints procedure correctly, he/she can ask the Education Funding Agency to review the handling of their complaint.

6.3 Complaints about academies should be made via the DfE website:

[https://form.education.gov.uk/service/Contact the Department for Education](https://form.education.gov.uk/service/Contact_the_Department_for_Education)

The ESFA will investigate complaints about:

- Undue delay or non-compliance with published complaints procedures;
- Allegations that the Academy has acted unlawfully or failed to comply with a contractual duty imposed on it under its Funding Agreement with the Secretary of State or any other legal obligation.

#### **7. Investigating Complaints**

7.1 The person investigating the complaint will make sure that he/she:

- establishes what has happened so far, and who has been involved;
- clarifies the nature of the complaint and what remains unresolved;
- meets with the complainant or contacts them (if unsure or further information is necessary);
- clarifies what the complainant feels would put things right;
- conducts interviews with those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conducts these interviews with an open mind; and
- keeps notes of each interview.



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7.2 Complainants will be encouraged to state what actions they feel might resolve the problem at any stage. The Trustees acknowledge that an admission that the Academy could have handled the situation better is not the same as an admission of negligence.

7.3 Where necessary, the person dealing with the complaint will attempt to identify areas of agreement between the parties, and to clarify any misunderstandings that might have occurred in order to create a positive atmosphere in which to discuss any outstanding issues.

#### **8. Reporting and Recording:**

8.1 In all cases, from Stage 1, it is important for staff to use the Academy's 'Complaints Form' so that records of the complaint and the action taken can be recorded and traced. Supporting documents should be attached to the form.

8.2 The written record of all complaints will detail whether they were resolved at Stages 1 or 2 or proceeded to a panel hearing.

8.3 The Principal will constantly review the handling of complaints, and will discuss with staff if necessary.

#### **9. Equal Opportunities**

In implementing this policy the Board of Trustees, Principal and staff must take account of the Academy's equal opportunity policy.

#### **10. Monitoring and Review**

The Board of Trustees will review the policy every three years.

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**Appendix 1: Complaint Form**



**Official Complaint Form**

Please complete and return to the Clerk to the Trustees, who will acknowledge receipt and explain what action will be taken.

Your name:

Student's name:

Your relationship to the student/student/student:

Address:

Postcode:

Daytime telephone number:

Evening telephone number:

Mobile number:

Please provide details of your complaint.

What action, if any, have you already taken to try and resolve your complaint.  
(Who did you speak to and what was the response)?

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

Are you attaching any paperwork? If so, please give details.

Signature:

Date:

<b>For official use only</b>	
Date acknowledgement sent:	
By whom:	
Complaint referred to:	
Date:	

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### **Appendix 2: The Remit of the Board of Trustees Complaints Panel**

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; and
- 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 Trustee 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 Trustee 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, Trustees need to try and ensure that it is a cross-section of the categories of Trustee and sensitive to the issues such as race, gender, disability or SEN and religious affiliation.
- 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 school 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. The Trustees sitting on the panel need to be aware of the complaint's procedure (see Appendix 3).