

# MARLBOROUGH ROAD ACADEMY

## COMPLAINTS POLICY AND PROCEDURES

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### Introduction

At Marlborough Road Academy, we care about what our pupils, parents and others think about us. We make many decisions every day and try hard to do our best for all our pupils. Your views help us plan for the future. We like to know when things are going well but we also want parents and others to tell us about their worries, concerns or complaints as soon as possible. It is much easier for us to sort out a recent problem than something that happened some time ago.

If you are unhappy with the way your child is being treated, or any of our actions or lack of action, please feel able to tell us your concern. We know it can be difficult to question what a school is doing, but if you do not tell us what is worrying you, we cannot explain our actions or put things right. Our support and respect for you and your child will not lessen in any way.

We will always endeavour to resolve your concerns without the formal complaints procedure being reached. The formal procedure is rarely activated.

## 1. Aims

Our academy aims to meet its statutory obligations when responding to complaints from parents of pupils at the academy, and others.

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect complainants' desire for confidentiality
- Treat complainants with respect
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into academy improvement evaluation processes

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

The academy will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will ensure we publicise the existence of this policy and make it available on the academy website.

## 2. Legislation and guidance

This document meets the requirements set out in part 7 of the schedule to the Education (Independent Academy Standards) Regulations 2014, which states that we must have and make available a written procedure to deal with complaints from parents of pupils at the academy.

It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on creating a complaints procedure that complies with the above regulations, and refers to good practice guidance on setting up complaints procedures from the Department for Education (DfE).

In addition, it addresses duties set out in the Early Years Foundation Stage statutory framework with regards to dealing with complaints about the academy's fulfilment of Early Years Foundation Stage requirements.

## 3. Definitions and scope

The DfE guidance explains the difference between a concern and a complaint.

A **concern** is defined as "an expression of worry or doubt over an issue considered to be important for which reassurances are sought".

The academy will resolve concerns through day-to-day communication as far as possible.

A **complaint** is defined as "an expression of dissatisfaction however made, about actions taken or a lack of action".

The academy intends to resolve complaints informally where possible, at the earliest possible stage.

There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

This policy does not cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline

Please see our separate policies for procedures relating to these types of complaint.

Complaints about services provided by other providers who use academy premises or facilities should be directed to the provider concerned.

### **SEND Complaints**

Arrangements for handling complaints from parents of children with SEN about the academy's support are within the scope of this policy. Such complaints should first be made to the Special Educational Needs Co-ordinator (SENCO) and if not resolved at this stage, to the Principal. Our Inclusion Policy and SEND Information Report includes information about the rights of parents of pupils with disabilities who believe that our academy has discriminated against their child.

Further support in relation to SEND complaints can be accessed via the Salford Information Advice and Support Service (SIASS). This service provides independent advice, information and support for children, young people and parents and carers in Salford about SEND and includes liaising between home, school, the Local Authority, health and social services, the educational psychology service and the education welfare service. SIASS can be contacted on 0161 778 0343 or [siass@salford.gov.uk](mailto:siass@salford.gov.uk) or [www.salford.gov.uk/siass](http://www.salford.gov.uk/siass).

### **4. Principles for investigation**

When investigating a complaint, we will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right

We also intend to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage.

Where further investigations are necessary, new time limits will be set, and the complainant will be sent details of the new deadline with an explanation for the delay.

The academy expects that complaints will be made as soon as possible after an incident arises and no later than 3 months afterwards. We will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

### **Complaints about our fulfilment of early years requirements**

We will investigate all written complaints relating to the academy's fulfilment of the Early Years Foundation Stage requirements, and notify the complainant of the outcome within 28 days of receiving the complaint. The academy will keep a record of the complaint (see section 9) and make this available to Ofsted on request.

Parents and carers can notify Ofsted if they believe that the academy is not meeting Early Years Foundation Stage requirements, by calling 0300 123 4234 or 0300 123 4666, or by emailing [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk). An online contact form is also available at

<https://www.gov.uk/government/organisations/ofsted#org-contacts>.

We will notify parents and carers if we become aware that the academy is to be inspected by Ofsted. We will also supply a copy of the inspection report to parents and carers of children attending the setting on a regular basis.

## **5. Stages of Complaint (not complaints against the Principal or a governor)**

### **Stage 1: informal**

The academy will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

The complainant should raise the complaint as soon as possible with the relevant member of staff or the Principal as appropriate, either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact the academy office.

The academy will acknowledge informal complaints within five school days, and investigate and provide a response within five school days.

The informal stage will involve a meeting between the complainant and a member of the leadership team and the member of staff involved.

If the complaint is not resolved informally, following an explanation or the actions taken to put things right, it can be escalated to a formal complaint. A formal complaint should be submitted no later than 10 school days after receiving a letter of explanation or an explanation of the actions taken to put things right. If a formal complaint has not been submitted by then, the academy will assume that the complainant does not want to take things any further.

### **Stage 2: formal**

#### **Inform the Principal in writing**

The formal stage involves the complainant putting the complaint into writing usually to the Principal and/or the subject of the complaint. The formal complaint should be submitted on the complaints form attached at Appendix A and should provide details such as relevant dates, times, and the names of witnesses of events, alongside copies of any relevant documents. The complainant should also state what they feel would resolve the complaint.

The Principal (or other person appointed by the Principal for this purpose) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within ten school days.

If the complainant is not satisfied with the response and wishes to proceed to the next stage of this procedure, they should inform the chair of governors in writing within 5 school days of receiving the written conclusion.

### **Stage 3: Review Panel**

Complaints will be escalated to the panel hearing stage if the complainant is not satisfied with the response to the complaint at the second, formal, stage.

The panel will be appointed by or on behalf of Salford Academy Trust and must consist of at least 3 people who were not directly involved in the matters detailed in the complaint. At least 1 panel member must be independent of the management and running of the school. The panel cannot be made up solely of members of the Governing Board, as they are not independent of the management and running of the school.

The panel will have access to the existing record of the complaint's progress (see section 9). The complainant must have reasonable notice of the date of the review panel; however, the review panel reserves the right to convene at their convenience rather than that of the complainant. At

the review panel meeting, the complainant and representatives from the school, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant must be allowed to attend the panel hearing and be accompanied if they wish.

At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called, as appropriate, to present their evidence.

The panel, the complainant and the academy representative(s) will be given the chance to ask and reply to questions. Once the complainant and academy representative(s) have presented their cases, they will be asked to leave and evidence will then be considered.

The panel must then put together its findings and recommendations from the case. The panel will also provide a copy of the findings and recommendations to the complainant and, where relevant, the individual who is the subject of the complaint, and make a copy available for inspection by Salford Academy Trust and the Principal.

The school will inform those involved of the decision in writing within five school days.

## **6. Complaints against the Principal or a governor**

Complaints made against the Principal should be directed to the Director of Education, Salford Academy Trust, Frontier House, Merchants Quay, Salford, M50 3SR

Where a complaint is against the Chair of Governors or any member of the Governing Body, it should be made in writing to the Clerk to the Governing Board, c/o Marlborough Road Academy in the first instance.

Complaints against the Principal or a governor will follow the same stages as for other members of staff.

## **7. Referring complaints on completion of the academy's procedure**

If the complainant is unsatisfied with the outcome of the academy's complaints procedure, they can refer their complaint to the ESFA. The ESFA will check whether the complaint has been dealt with properly by the academy. The ESFA will not overturn a academy's decision about a complaint. However, it will look into:

- Whether there was undue delay, or the academy did not comply with its own complaints procedure
- Whether the academy was in breach of its funding agreement with the secretary of state
- Whether the academy has failed to comply with any other legal obligation

If the academy did not deal with the complaint properly, it will be asked to re-investigate the complaint. If the academy's complaints procedure is found to not meet regulations, the academy will be asked to correct its procedure accordingly.

For more information or to refer a complaint, see the following webpage:

<https://www.gov.uk/complain-about-academy>

## **8. Persistent complaints**

Where a complainant tries to re-open the issue with the academy after the complaints procedure has been fully exhausted and the academy has done everything it reasonably can in response to the complaint, the Chair of Governors (or other appropriate person in the case of a complaint about the chair) will inform the complainant that the matter is closed.

If the complainant subsequently contacts the academy again about the same issue, the academy can choose not to respond. The normal circumstance in which we will not respond is if:

- The academy has taken every reasonable step to address the complainant's needs, *and*
- The complainant has been given a clear statement of the academy's position and their options (if any), *and*
- The complainant is contacting the academy repeatedly but making substantially the same points each time

However, this list is not intended to be exhaustive.

The academy will be most likely to choose not to respond if:

- We have reason to believe the individual is contacting the academy with the intention of causing disruption or inconvenience, *and/or*
- The individual's letters/emails/telephone calls are often or always abusive or aggressive, *and/or*
- The individual makes insulting personal comments about, or threats towards, academy staff

Unreasonable behaviour which is abusive, offensive or threatening may constitute an unreasonably persistent complaint.

Once the academy has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email.

The academy will ensure when making this decision that complainants making any new complaint are heard, and that the academy acts reasonably.

If behaviour is deemed unreasonable, the Academy reserves the right to ban parents from the site if necessary.

### **Unreasonably persistent complaints**

If a complainant contacts the Academy repeatedly with different complaints and the Academy considers these complaints to be excessive then the Academy may choose not to respond. Once the academy has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email.

## **9. Record-keeping**

The academy will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

This material will be treated as confidential and held centrally, and will be viewed only by those involved in investigating the complaint or on the review panel.

This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or under the terms of the Data Protection Act, or where the material must be made available during a academy inspection.

Records of complaints will be kept for six years after the date on which the complain is resolved.

The details of the complaint, including the names of individuals involved, will not be shared with the whole Governing Body in case a review panel needs to be organised at a later point.

Where the Governing Body is aware of the substance of the complaint before the review panel stage, the Academy will (where reasonably practicable) arrange for an independent panel to hear the complaint.

Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the Governing Body, who will not unreasonably withhold consent.

### 10. Learning lessons

The Governing Body will review any underlying issues raised by complaints with the Principal, where appropriate, and respecting confidentiality, to determine whether there are any improvements that the academy can make to its procedures or practice to help prevent similar events in the future.

### 11. Monitoring arrangements

The Governing Body will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The Link Governor responsible for leadership and management will track the number and nature of complaints, and review underlying issues as stated in section 10.

The complaints records are logged and managed by the Business Manager.

This policy will be reviewed annually by the Principal.

### 12. Links with other policies

Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy and procedures
- Admissions policy
- Exclusions policy
- Staff grievance procedures
- Staff disciplinary procedures
- SEN policy and information report

#### DOCUMENT STATUS

Version	Date	Action	Ratified by Governing Body	
			Signature	Date
1	November 2017	Rewritten (JL)		
2				
3				

*This Policy has been impact assessed to ensure that it does not have an adverse effect on age; religion or belief; sexual orientation; race; gender or disability equality*

COMPLAINT FORM

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

Your name:

Pupil's name:

Your relationship to the pupil:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

Please give 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)?

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

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

Signature:

Date:

**Official use**

Date acknowledgement sent:

By who:

Complaint referred to:

Date: