

E-ACT Pathways Academy Parental Concerns and Complaints Policy

Department Owner	Operations (National)
Section Owner	Governance
Approver	Education & Personnel
Date Approved	July 2015
Review Date	July 2017
Status	This policy must apply to all E-ACT academies. The Headteacher is responsible for ensuring that all academy specific information is completed (as highlighted).

1 Introduction

- 1.1 At E-ACT we understand that feedback from our parents and pupils is an essential part of improving our organisation – from the education we deliver to the way we communicate with you, and right through to our organisational strategy. We want to encourage parents and pupils to give us feedback, even when the feedback might be something you are not happy about as we can only resolve issues or concerns if we know about them.
- 1.2 E-ACT and E-ACT Pathways 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 and so 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 a pupil or his / her opportunities at this 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(s) / You:** Includes a current parent or legal guardian.
- 1.5 Timescales for each stage are set out below in the relevant paragraphs. When we refer to working days, we mean Monday to Friday, when the Academy is open during term time. The dates of terms are published on the Academy's website.
- 1.6 This policy relates specifically to parents of pupils attending an E-ACT Academy. If you have a complaint, but are not a parent of a pupil attending an E-ACT Academy, please use E-ACT's General Complaints Policy.

2 Safeguarding

- 2.1 E-ACT and E-ACT Pathways Academy is committed to safeguarding and promoting the welfare of all its pupils/students. If concerns raised by parents/carers relate to a possible safeguarding issue, the matter will be referred to the Designated Safeguarding Lead on the senior leadership team Jane Brailsford and will be handled in line with our organisational Safeguarding Policy.

3 Management of complaints

- 3.1 The Academy's complaints procedure has three stages:
- 3.2 **Stage 1 – Informal Concern:** informal raising of a concern or difficulty with a member of staff orally or in writing - further details of this procedure are set out in appendix 1.
- 3.3 **Stage 2 – Formal Complaint:** a formal complaint in writing to the Headteacher - further details of how to make a formal complaint and the relevant procedures are set out in appendix 2.
- 3.4 **Stage 3 – Complaint Hearing:** a reference to the Complaints Panel - further details of how to request a Panel Hearing and the procedures to be followed are set out in Appendix 3.
- 3.5 Separate procedures apply in the event of an issue regarding admissions or if the Headteacher excludes a pupil from the Academy.
- 3.6 The key contacts regarding stages 1 – 3 are included in Appendix 4 for reference.

4 Confidentiality

- 4.1 A written record will be kept of all complaints, and of whether they were resolved at Stage 1, Stage 2, or proceeded to a Panel hearing. The number of formal complaints registered during the preceding school year is posted on the Academy's website.
- 4.2 Correspondence, statements and records relating to individual complaints will be kept confidential except where access is requested by the Secretary of State or where disclosure is required in the course of a school's inspection or under other legal authority.
- 4.3 In accordance with data protection principles, details of individual complaints will be kept only for as long as is considered to be reasonably necessary in the circumstances.

5 Anonymous Complaints

- 5.1 In so far as we are able, we will manage anonymous complaints as we do any other complaint. If you are considering submitting an anonymous complaint you should be aware that there may be instances where our ability to investigate a complaint thoroughly could be hindered by a lack of information – including our ability to speak to you directly about your concerns. We will always investigate the complaint as far as we are able on the information given, however we will only feedback on the outcome of any investigation to a known parent of a pupil at the academy. All investigations will be reported internally to the Regional Director of Education for full oversight.

6 Expectations of Parents and the Academy

- 6.1 Parents/carers/members of the public who raise either informal concerns or formal complaints with the school can expect the school to:
 - a) Ensure that the Complaints policy and this policy are available with the other policies on the website.
 - b) Respond within a reasonable time;
 - c) Be available for consultation within reasonable time limits bearing in mind the needs of the pupils within the school and the nature of the complaint;
 - d) Respond with courtesy and respect;
 - e) Attempt to resolve problems using reasonable means in line with the school's complaints policy, other policies and practice
- 6.2 The school can expect parents who wish to raise concerns with the school to:
 - a) Treat all school staff with courtesy and respect;
 - b) Respect the needs and well-being of pupils and staff in the school;
 - c) Avoid any use, or threatened use, of violence to people or property;
 - d) Avoid any aggression, verbal abuse or other intimidating behaviour;
 - e) Ensure that written communications state the facts surrounding the concern without using threatening or unpleasant language.
 - f) Recognise the time constraints under which members of staff in schools work and allow the school a reasonable time to respond;
 - g) Recognise that resolving a specific problem can sometimes take some time;
 - h) (In the case of a complaint) follow the School's Complaints Policy.

7 Persistent Complainants

- 7.1 For the purpose of this policy, a persistent complainant is a parent who complains about issues, either formally or informally, or frequently raises issues that the

complainant considers to be within the remit of the school, and whose behaviour is unreasonable. Such behaviour may be characterised by:

- a) Actions which are obsessive, persistent, harassing, prolific, repetitious;
- b) Prolific correspondence or excessive e-mail or telephone contact about a concern or complaint;
- c) Uses Freedom of Information requests excessively and unreasonably
- d) An insistence upon pursuing unsubstantial complaints and/or unrealistic or unreasonable outcomes;
- e) An insistence upon pursuing complaints in an unreasonable manner;
- f) An insistence on only dealing with the Headteacher on all occasions irrespective of the issue and the level of delegation in the school to deal with such matters;
- g) An insistence upon repeatedly pursuing a complaint when the outcome is not satisfactory to the complainant but cannot be changed, for example, if the desired outcome is beyond the remit of the school because it is unlawful.

7.2 For the purpose of this policy, harassment is the unreasonable pursuit of such actions as in (a) to (g) above in such a way that they:

- a) Appear to be targeted over a significant period of time on one or more members of school staff and/or
- b) Cause on-going distress to individual member(s) of school staff and/or
- c) Have a significant adverse effect on the whole/parts of the school community and/or
- d) Are pursued in a manner which can be perceived as intimidating and oppressive by the recipient. This could include situations where persistent demands and criticisms, whilst not particularly taxing or serious when viewed in isolation, have a cumulative effect over time of undermining confidence, well-being and health.

7.3 **The Academy's Actions in cases of persistent or vexatious complaints or harassment:**

7.3.1 In the first instance the school will communicate either in writing or verbally (confirmed with a letter) to inform the complainant that his / her behaviour is considered to be becoming unreasonable / unacceptable and, if it is not modified, action may be taken in accordance with this policy.

7.3.2 If the behaviour is not modified the school will take some or all of the following actions as necessary, having regard to the nature of the complainant's behaviour and the effect of this on the school community:

- a) Inform the complainant in writing that his/her behaviour is now considered by the school to be unreasonable/unacceptable and, therefore, to fall under the terms of this section of the policy;
- b) Inform the complainant that all meetings with a member of staff will be conducted with a second person present and that notes of meetings may be taken in the interests of all parties;
- c) Inform the complainant that, except in emergencies, all routine communication with the complainant to the school should be by letter only;
- d) In the case of physical, or verbal aggression or other forms of intimidating behaviour, take appropriate advice and consider warning the complainant about being banned from the school site; or proceed straight to a temporary ban;
- e) Consider taking appropriate advice on pursuing a case under Anti-Harassment legislation;

- f) Consider taking advice from the HR / Legal Services about putting in place a specific procedure for dealing with complaints from the complainant, i.e. the complainant will not be able to deal directly with the Headteacher but only with a third person, to be identified by the Regional Education Director, who will investigate, determine whether or not the concern / complaint is reasonable or vexatious and then advise the Headteacher accordingly.

7.3.3 In the event of extreme situations or events, the school may take the decision to move implementing one of the above steps immediately. In this situation the complainant will be informed in writing.

7.3.4 The Headteacher and SLT will keep the Regional Education Director informed at all times.

7.3.5 Legitimate new complaints will still be considered, even if the person making them is, or has been, subject to sections 5 and 6 of this Policy. However, the school will be advised by the E-ACT Director of Operations who will ensure that the appropriate HR/ Legal advice is received a complainant's persistent complaining/harassing behaviour is modified and is then resumed at a later date within a reasonable period of time, the school may resume the process identified above at an appropriate level. In these circumstances, advice may be sought from the HR/Legal Services the Trust subscribes to.

8 Complaints to the Education Funding Agency

8.1 The EFA has a responsibility to ensure that academies comply with their funding agreements. If the EFA receives a complaint regarding the academy or the Trust it will check whether the complaint has been dealt with properly. The EFA will consider complaints about academies that fall into any of the following three areas:

- a) where there is undue delay or the academy did not comply with its own complaints procedure when considering a complaint
- b) where the academy is in breach of its funding agreement with the Secretary of State
- c) where an academy has failed to comply with any other legal obligation

8.2 The EFA will not overturn an academy or Trust's decision about a complaint. However, if the EFA find that an academy or the Trust did not deal with a complaint properly they will request the complaint is looked at again and procedures meet the requirements set out in the Regulations.

8.3 If you feel that any of the issues listed in 7.1 a) – c) apply in relation to your complaint, you may contact the Education Funding Agency (**EFA**) The EFA's contact details are as follows:

Email: academyquestions@efa.education.gov.uk

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

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

9 How we monitor and report on complaints internally

- 9.1 In order to understand how we can improve our services and processes and also to ensure that we are responding to and managing complaints appropriately and consistently across the organisation, we record all complaints and review termly reports on complaints activity, as follows:
1. The Academy is required to keep a register of all stage 1 complaints received.
 2. The Regional Coordinator is required to keep a register of all stage 2 and 3 complaints. .
 3. Each term the Regional Coordinator will submit a complaints report to the Governance Team setting out: the number of complaints received by each academy in their region, the subject of the complaints, how quickly the complaints were responded to and resolved, what stage the complaints were resolved at and what actions were taken internally as a result of the complaints (e.g. improvements to the academy or academy processes/teaching.)
- 9.2 These reports will help us understand what types of issue parents and pupils are concerned about, as well as being able to monitor whether we are responding to complaints appropriately as an organisation and making necessary improvements following on from complaints.
- 9.3 Each year Trustees will receive an annual complaints report which will also be published on the E-ACT website.
- 9.4 Please note, in line with data protection and confidentiality, no personal details relating to complaints will be passed on as part of the complaints reports. Personal details will only be shared internally where it essential for responding to and resolving your complaint.

Appendix 1

Guidance for parents:

How to raise a concern or make a complaint and what you can expect from E-ACT at each stage of the process

Stage 1: Dealing with concerns and difficulties informally

1 Informal resolution of a concern

- 1.1 We expect that most concerns can be resolved informally. For example, dissatisfaction about some aspect of teaching or pastoral care or a billing error should be able to be resolved by the relevant member of staff. Complaints of discrimination, harassment or victimisation are taken very seriously and may need to be dealt with at Stage 2 without action at Stage 1.

2 Who to contact

- 2.1 Where appropriate, concerns should initially be raised as follows:

- Educational issues: if the matter relates to the classroom, the curriculum or special educational needs, please speak or write to the relevant Phase Leader.
- Pastoral care: for concerns relating to matters outside the classroom, please speak or write to the Jane Brailsford.
- Disciplinary matters: a problem over any disciplinary action taken or a sanction imposed should be raised first of all with the member of staff who imposed it

- 2.2 We can help you more quickly if you tell us:

- What is your main concern?
- How would you like the Academy to help?
- What would you like to happen after you have told the Academy your concern?

- 2.3 A concern provided in writing will be acknowledged by telephone, fax, email or letter within two working days of receipt during term time and as soon as practicable during the holidays. A matter raised orally will not necessarily be acknowledged in writing.

- 2.4 A concern which has not been resolved by informal means within 15 working days should be notified in writing as a formal complaint using the procedure set out in stage 2.

- 2.5 We aim to respond to your concern within three working days and let you know what the outcome is or what we will do next.

- 2.6 If you are not satisfied with the outcome of the informal stage, you can make a formal complaint within ten working days of the Academy's decision about your complaint.

Stage 2: formal complaint

1 How to make a formal complaint

- 1.1 If you are dissatisfied with the response to the complaint under Stage 1, or the complaint requires investigation or involves dissatisfaction with some aspect of the Academy's policies or management, the complaint should be made under Stage 2.
- 1.2 The full details of the complaint should be set out in writing and sent with all relevant documents and full contact details to the Regional Coordinator, who will ensure that the complaint is passed to either:
 - a) The appropriate Headteacher
 - b) (in the event the complaint is about the Headteacher) the Regional Education Director.
- 1.3 The Regional Coordinator is the first point of contact for all complaints made at Stage 2 or Stage 3 in order to help ensure that complaints are dealt with consistently, efficiently and to a high standard across all academies within the region.
- 1.4 The complaint will be acknowledged by telephone, email or letter within two working days during term time, and as soon as practicable during the holidays, indicating the action that is being taken and the likely time scale.

2 Investigation

- 2.1 The Headteacher may ask a senior member of staff to act as Investigator or may ask a member of the Academy Ambassadorial Advisory Board to undertake the investigation. The Regional Education Director or Regional Operations Director may appoint an investigator if the Headteacher's appointment is not appropriate. All stage 2 complaints must be reported to the Regional Education Director within one working day.
- 2.2 The Investigator(s) may request additional information from you and will probably wish to speak to you personally and to others who have knowledge of the circumstances. Written records will be kept of all meetings and interviews held in relation to the complaint. The Investigator(s) will prepare a report on the investigation which will be considered by the Headteacher.
- 2.3 If the complaint is about the Headteacher, the Regional Education Director may ask a member of the Educational or Operational Regional Team to undertake the investigation, or may ask a member of the Academy Ambassadorial Advisory Board to undertake the investigation. The investigator(s) will undertake the investigation and will probably wish to speak to you personally and to others who have knowledge of the circumstances. Written records will be kept of all meetings and interviews held in relation to the complaint. The Investigator(s) will prepare a report on the investigation which will be considered by the Regional Education Director.

3 Decision

- 3.1 The Headteacher (or Regional Education Director in the event that the complaint is against the Headteacher) will then notify you by telephone, email or letter of their decision and the reasons for it within 10 working days from the receipt of

the complaint. Where there are exceptional circumstances resulting in a delay, you will be notified of this and informed of the new timescales as soon as possible.

- 3.2 Please note that any complaint received within one week of the end of a term or half term is likely to take longer to resolve owing to the presence of school holidays and the unavailability of personnel required for the investigation to be undertaken properly.
- 3.3 Where a complaint is made by a parent in the EYFS setting, the complaint will be investigated in accordance with this procedure and the complainant notified of the outcome within 28 days of the complaint being received.

Stage 3: Complaints Panel

1 What is a Complaints Panel hearing?

- 1.1 A Complaints Panel (**Complaints Panel**) hearing is a review of the decisions taken by the Headteacher (or Regional Education Director if the complaint is about the Headteacher). The Panel will not consider any new areas of complaint which have not been previously raised as part of the complaints procedure.
- 1.2 The role of the Panel is to establish the facts surrounding the complaints that have been made by considering:
- the documents provided by both parties; and
 - any representations made by the Parents, and the Headteacher
- and to reach a decision, on the balance of probabilities, as to whether each complaint is made out.
- 1.3 It is not within the powers of the Panel to make any financial award, nor to impose sanctions on staff, pupils or parents. The Panel may make recommendations on these matters or any other issues to the Headteacher and / or to the Regional Education Director, as appropriate.

2 How to request a Complaints Panel hearing

- 2.1 A request for a hearing before the Complaints Panel must be put in writing to the Regional Co-ordinator or academy administration team within five working days of the decision complained of. The request will usually only be considered if the procedures at Stages 1 and 2 have been completed.
- 2.2 The written request should include:
- a copy of all relevant documents and full contact details;
 - details of all the grounds of the complaint and the outcome desired;
 - a list of the documents which the parents believe to be in the Academy's possession and wish the Panel to see; and
 - whether you propose to be accompanied to the hearing by someone who is legally qualified (see paragraph 3.3 below).
- 2.3 If assistance with the request is required, for example because of a disability, please inform the Regional Co-ordinator of this and she / he will be happy to make appropriate arrangements.
- 2.4 The parent/ guardian making the complaint has the right to attend the panel hearing and may be accompanied by another person, for example a relative, teacher or friend.
- 2.5 The Regional Co-ordinator will acknowledge the request for a hearing in writing within two working days of receipt during term time and as soon as practicable during the holidays.
- 2.6 Every effort will be made to enable the hearing to take place within 15 working days of receipt of the request. However, note that the Panel will not normally sit during half terms or academy holidays.

3 Planning the hearing

- 3.1 As soon as reasonably practicable, and in any event at least ten working days before the hearing, the Regional Co-ordinator will send written notification to each party of the date, time and place of the hearing.
- 3.2 Copies of any additional documents you wish the Panel to consider should be sent to the Regional Co-ordinator to be received at least five working days prior to the hearing.
- 3.3 You may be accompanied to the hearing by another person, for example a relative, teacher or friend. The Panel hearing is not a legal proceeding and so legal representation is not usually necessary. If you do wish to be accompanied by someone who is legally qualified, you should have notified the Regional Co-ordinator of this in your initial request for a Panel hearing. If you did not do so and you wish to be accompanied by a legally qualified person, you must inform the Regional Co-ordinator of this at least five working days prior to the hearing.
- 3.4 The Regional Co-ordinator will circulate a copy of the bundle of documents to be considered by the Panel to all parties at least three working days prior to the hearing.

4 Composition of the Panel

- 4.1 The Panel will normally comprise three individuals who have no detailed prior knowledge of the circumstances of the complaint, including at least one independent member who has no connection with the governance, management and running of the Academy.
- 4.2 The parents may ask the Regional Co-ordinator to tell them who has been appointed to sit on the Panel ahead of the hearing. The Regional Co-ordinator must consult E-ACT's Scheme of Delegated authority to ensure that the panel composition is correct based on whom the complaint is about.

5 The Panel hearing

- 5.1 The hearing will be conducted in an informal manner.
- 5.2 All those present at the hearing shall have the opportunity to ask questions and make comments in an appropriate manner. The hearing is not a legal proceeding and the Panel shall be under no obligation to hear oral evidence from witnesses but may do so and / or may take written statements into account.
- 5.3 At the hearing, the panel will, in general:
 - Explain the purpose of the hearing and the procedure;
 - Invite you to explain your complaint and ask you further questions;
 - Invite the Investigator and Stage 2 lead to explain how he/she handled your complaint;
 - Question any witnesses.
- 5.4 All statements made at the hearing will be unsworn. All present will be entitled, should they wish, to write their own notes for reference purposes. A clerk appointed by the Panel (usually the Regional co-ordinator) will take a minute of the proceedings.

- 5.5 All those attending the hearing are expected to show courtesy, restraint and good manners or, after due warning, the hearing may be adjourned or terminated at the discretion of the Chair. If terminated, the original decision will stand. Any person who is dissatisfied with any aspect of the way the hearing is conducted must say so before the proceedings go any further and his / her comment will be minuted.
- 5.6 The Chair may, at his / her discretion, adjourn the hearing for further investigation of any relevant issue. This may include an adjournment to take legal advice.
- 5.7 A hearing before the Complaints Panel is a private proceeding. No notes or other records or oral statements about any matter discussed in or arising from the proceeding shall be made available directly or indirectly to the press or other media.

6 The decision

- 6.1 The Panel will reach a decision on a balance of probabilities unless there is an agreed position.
- 6.2 The decision, findings and any recommendations will be confirmed in writing to you by electronic mail, normally within five working days of the hearing. If you do not wish to receive the decision by electronic mail, please inform the Regional Co-ordinator of this and a copy will be given or posted to you.
- 6.3 The decisions, findings and any recommendations will also be available for inspection on the Academy premises by the Board of Trustees, the Executive Leadership Team, the Regional Team and the Headteacher.
- 6.4 This represents the conclusion of the Academy's complaints procedure.

Appendix 2 Key Contacts

Stage	Person to Contact	Contact details
1 (informal)	Relevant Phase Leader	Please address letter to main school office/ email address as stated below with 'FAO' relevant named contact: E-ACT Pathways Academy Raisen Hall Road Sheffield S5 7NA tracy.crossland@e-act.org.uk
2 (formal)	Regional Co-ordinator	Julia Benning Julia.benning@e-act.org.uk
3 (Panel Hearing Request)	Regional Co-ordinator	Julia Benning Julia.benning@e-act.org.uk