



**ANSFORD ACADEMY**

LEARNING TOGETHER TO LEAD OUR LIVES

# **Complaints and Concerns Policy and Procedure**

**Status: Statutory**

**Governors Adopted: July 2024**

**Renewal period: Yearly**

**Review Due: July 2025**

## **Section A: Introductory Information**

### **1. Introduction**

It is vital for the Academy to have the right attitude towards complaints. The manner in which they are handled is an important element in how the Academy cares for its students and their families and how it presents itself to the world at large. Well-founded complaints should be seen as an opportunity to put things right and to improve the Academy's way of working.

### **2. General principles**

All complaints are to be dealt with as quickly and efficiently as possible. The time taken will vary with the gravity and complexity of the complaint and the urgency with which it needs to be settled. The intention is that all complaints should be settled within a period which is reasonable in all the circumstances. All complaints will be investigated fully, fairly and carefully and complainants will be kept informed of progress at each stage. It is expected that complaints should be made in a respectful manner. Any complaints which are abusive or threatening will not be tolerated and so will not be responded to. The school is unable to respond to anonymous complaints.

### **3. Expectations**

The Academy expects to treat complainants with courtesy and dignity and expects that staff will be treated in the same way by complainants. Abusive language and threatening behaviour will not be tolerated and any conversation or meeting where unacceptable behaviour is displayed will be terminated.

### **4. Legislation and Guidance**

This complaints procedure complies with the [Education \(Independent School Standards \(England\) Regulations 2014](#) Schedule 1, Part 7. Its purpose is to set out how complaints will be handled by the Academy. Unless complaints are dealt with under separate statutory procedures (which are detailed clearly in Section B: Part 2), we will use this complaints procedure.

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).

## **Section B: Definitions and Scope**

### **1. Definitions**

Ansford Academy takes concerns seriously and will make every effort to resolve the matter raised as quickly as possible. Many issues can be resolved informally, without the need to use the formal stages of the complaint's procedure. It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. It is important to recognise that there may be different levels of concern or complaint to bring to the attention of staff at the Academy so it is helpful to identify the difference between a concern and a complaint.

The DfE guidance explains the difference between a concern and a complaint in the following way:

- a) A concern may be defined as ‘an expression of worry or doubt over an issue considered to be important for which reassurances are sought’.
- b) A complaint may be defined as ‘an expression of dissatisfaction however made, about actions taken or a lack of action’.

Initially, it is likely that concerns (as understood in the definition above) will be raised with the appropriate member of staff. For pastoral matters, this is likely to be the child’s tutor or Head of Year and for curriculum matters, this is likely to be the subject teacher or the Head of Faculty. If the member of staff contacted feels unable to deal with a concern, we will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important. If after informal contact of this nature, the issue remains unresolved, the next step is to make a formal complaint.

We understand however, that there are occasions when people would like to raise their concerns formally. This may be because the concern has not been resolved at the informal stage or where the concern is complex and merits wider investigation. In these cases, the Academy will attempt to resolve the issue through the stages outlined in this procedure.

## 2. Scope

This procedure covers all complaints about any provision of community facilities or services by Ansford Academy other than complaints that are dealt with under other statutory procedures, including those listed below.

<b>Exceptions</b>	<b>Who to contact</b>
Admissions to Academies	Concerns about admissions are dealt with in accordance with the admissions policy.
Safeguarding and Child Protection Matters	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.  If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH). <a href="https://sscb.safeguardingsomerset.org.uk/working-with-children/allegations-management/">https://sscb.safeguardingsomerset.org.uk/working-with-children/allegations-management/</a>
Exclusion of children from Academy*	Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/Academy-discipline-exclusions/exclusions">www.gov.uk/Academy-discipline-exclusions/exclusions</a> .  <i>*complaints about the application of the behaviour policy can be made through the Academy’s complaints procedure.</i>
External Providers	Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.

Whistleblowing	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters direct with their employer. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</p> <p>Volunteer staff who have concerns about our Academy should complain through the Academy's complaints procedure. You may also be able to complain direct to the Department for Education (see link above), depending on the substance of your complaint.</p>
Staff Grievances	Complaints from staff will be dealt with under the Academy's internal grievance procedures.
Staff Conduct	<p>Complaints about staff will be dealt with under the Academy's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member because of a complaint. However, the complainant will be notified that the matter is being addressed.</p>

## **Section C: Key Aspects of the Complaints Process**

### **1. Who is able to make a complaint**

This complaints procedure is not limited to parents or carers of children that are registered at the Academy. Any person, including members of the public, may make a complaint to Ansford Academy about any provision of facilities or services that we provide.

### **2. How to raise a concern or make a complaint**

A concern or complaint can be made in person, by email, in writing or by telephone. It may also be made by a third party acting on behalf on a complainant, if they have appropriate consent to do so.

For ease, a template complaint form is included at the end of this procedure. This form should be used if you have been unable to resolve your complaint at Stage 1 of the Complaints Procedure or if the nature of your complaint is complex and wide ranging, meriting an investigation at Stage 2 of the Complaints Procedure. Once completed, it should be returned in person to main reception or via email to the Headteacher's PA

If you require help in completing the form, please contact the Academy office. You can also ask third party organisations like the Citizens Advice to help you. If you prefer not to use the form, please ensure that the relevant details are provided to help us investigate your complaint effectively.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 3 and 4 of the procedure.

### **3. Complaints about Academy staff**

- a) Complaints about Academy staff should be made to the Headteacher via the Headteacher's PA
- b) Complaints that involve or are about the Headteacher should be addressed to the Chair of Governors via the Clerk to Governors
- c) Complaints about the Chair of Governors, any individual governor or the whole Governance Board should be addressed to the Clerk to Governors via the Academy office.

Please mark these communications as Private and Confidential.

### **4. Anonymous complaints**

We will not normally investigate anonymous complaints. However, the Headteacher or Chair of the Governors, if appropriate, will determine whether the complaint warrants an investigation.

### **5. Time scales for making a complaint**

Complaints must be raised within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

If a complainant commences legal action against Ansford Academy in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

### **6. Complaints received outside of term time and/or working week**

We will consider complaints made outside of term time to have been received on the first Academy day after the holiday period. We will consider complaints made on a weekend or bank Holiday on the first Academy day following that date.

### **7. Withdrawal of a Complaint**

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

## **8. Resolving complaints**

At each stage in the procedure, Ansford Academy aims to resolve the complaint. We may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review Academy policies considering the complaint
- an apology.

In addition, at the formal stages of the procedure, we will acknowledge the outcome of the investigation into your complaint and whether it has been upheld in full or in part.

### **Section C: Stages of Complaint**

#### **1. Stage 1: Informal Complaint or Concern**

Parents and other stakeholders may wish to ask questions or express an opinion and the Academy aims to create an environment that supports, welcomes and respects the involvement of others. The Academy will take informal concerns seriously and make every effort to resolve the matter quickly. It may be that the provision or clarification of information will resolve the issue. It is hoped that most concerns can be expressed and resolved on an informal basis, without the need for further procedures.

In most cases the class teacher (for a subject based concern or query) or the tutor (for a more general concern or query, or a matter relating to behaviour or welfare) should be the first point of contact. It may be appropriate for a member of staff to involve the Head of Faculty or Head of Year in making an appropriate response. Concerns can be raised in person, in writing (letter or email) or by telephone.

This stage of the procedure will involve a meeting or conversation between the complainant and the relevant member of staff, followed by an investigation into the matters raised. At the conclusion of their investigation, the member of staff investigating the complaint will provide an informal written response via email or letter of the outcome and relevant actions. The response will be provided within 5 working days.

If the complaint is not resolved informally following the steps outlined above, the next step is a formal complaint. The procedure for this is outlined below at Stage 2 and this should be followed if the initial attempts to resolve the issue have been unsuccessful and the complainant remains dissatisfied and wishes to take the matter further.

If the complainant is unsure about how to direct a concern or query, or if it is about a general school issue, they should feel free to raise the issue with the Headteacher, a Deputy Headteacher or another member of the Academy's Senior Leadership Team without this being categorised as a formal complaint. At this point, the concern may be passed to the most appropriate member of staff for a response.

## **2. Stage 2: Formal Complaint**

Formal complaints should be raised with the Headteacher in writing (preferably on the Complaint Form) via the Academy office or, if the complaint is about the Headteacher, with the Chair of Governors.

The Headteacher will record the date the complaint is received and will acknowledge receipt of the complaint and notify the complainant of the name of the allocated Investigating Officer in writing (either by letter or email) within 2 school days.

The Investigating Officer is likely to be a member of the Academy's Senior Leadership Team who will contact the complainant to clarify details about the complaint or to seek further information about what remains unresolved and what outcome the complainant would like to see.

The Investigating Officer will conduct a thorough investigation into the complaint. This may include interviewing those involved in the matter and/or those complained of. Any parties interviewed may be accompanied. A written record of any meetings or interviews will be kept as part of the investigation process. At the end of the investigation, the Investigating Officer will present their findings to the Headteacher who will decide the outcome of the complaint and the actions to be taken.

The Headteacher will provide a formal written response within 15 Academy days from the date of receipt of the complaint. If the Headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date. The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions that the Academy will take to resolve the complaint and any wider lessons learned as a result of hearing the complaint. In addition, the Headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

If the complaint is about the Headteacher, or an individual member of the Governing Body, a suitably skilled governor will be appointed to complete all the actions at Stage 2.

If the complaint is about more than one individual member of the Governing Body Board, an independent investigator appointed by the Governing Body will be appointed to complete all of the actions at Stage 2.

## **3. Stage 3: Referred to Chair of Governors**

If the complaint is still not resolved to the complainant's satisfaction, the complainant can request that it is referred to the Chair of Governors. (If the subject of the complaint in stage 2 was the Chair of Governors the complaint will be referred to stage 4.) Complainants should write within 10 school days to the Chair of Governors at the school address, clearly marked "Confidential for the Personal Attention of the Chair of Governors" or via email to the Clerk to Governors.

The Chair of Governors will investigate the complaint or concern and respond in writing within 15 school days. It is within the remit of the Chair of the Governors to refer the matter to a Complaints Panel if considered appropriate. If this timescale cannot be met the Chair of Governors should inform

the complainant that the matter will take longer, explain the reasons for this and give a realistic timescale for when the investigation will be completed.

#### **4. Stage 4: Panel Hearing**

If the complainant is dissatisfied with the outcome at Stage 3 and wishes to take the matter further, they can escalate the complaint to Stage 4 which is the final stage of the complaints procedure. This stage involves a panel hearing comprising 2 members of the Governance Board who have not been directly involved and an independent panel member who is not involved in the management and running of the Trust.

A request to escalate to Stage 4 must be made to the Clerk to Governors, via the Academy office, within 10 Academy days of receipt of the Stage 3 response. Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Clerk to Governors will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 Academy days. Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 15 Academy days of receipt of the Stage 4 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

The Stage 4 hearing will be heard by a completely independent committee panel if the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

A complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

Representatives from the media are not permitted to attend.

At least 5 Academy days before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is attending, the dates are convenient to all parties and that the venue and proceedings are accessible
- request copies of any further written material to be submitted to the committee at least 5 Academy days before the meeting.

Any written material will be circulated to all parties at least 5 Academy days before the date of the meeting. The panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The panel will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

The panel will consider the complaint and all the evidence presented. The panel can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the panel will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the Academy's systems or procedures to prevent similar issues in the future.

The Chair of the panel will provide the complainant and the Academy with a full explanation of their decision and the reason(s) for it, in writing, within 15 Academy days.

The letter to the complainant will include details of how to contact the Education, Skills and Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by Ansford Academy.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the Academy will take to resolve the complaint.

The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the school premises by the proprietor and the Headteacher.

## **5. What if complainants remain unsatisfied?**

If the complainant is not satisfied that their complaint has been handled properly, in accordance with this published procedure, or the complainant believes the Academy acted unlawfully or unreasonably in the exercise of their duties under law, they can contact the ESFA.

The EFSA provide clear guidance about how they handle complaints about academies which was last updated in July 2020. The guidance makes clear that before escalating an academy complaint to the EFSA, a complaint should have been made to the Academy, following its published procedure.

The EFSA will only be able to consider your complaint if you can provide evidence that the academy:

- does not have a complaints procedure
- did not provide a copy of its complaints procedure when requested
- does not have a procedure that complies with statutory regulations
- has not followed its published complaints procedure
- has not allowed its complaints procedure to be completed

The EFSA is not able to:

- overturn the governing body's decision
- re-investigate your original complaint
- review the accuracy of minutes taken or documents provided
- order the academy to pay you compensation
- direct the academy to discipline / exclude pupils
- force the academy to discipline / dismiss staff
- instruct the academy to apologise to you

The complainant can refer their complaint to the ESFA using their [online enquiry form](#) and selecting the complaint button. Whilst using the enquiry form is the quickest way to make contact, complaints can be made in writing to:

Academy Complaints and Customer Insight Unit  
Education and Skills Funding Agency  
Cheylesmore House  
5 Quinton Road  
Coventry  
CV1 2WT

## **6. Monitoring and Review**

This procedure is intended to promote good practice in the handling of complaints within its scope and to assist complainants. The Academy maintains a written record of all complaints made and of the relevant procedures and action taken. The Full Governing Board receives a report on complaints and their handling three times in the academic year, once in each full term. Otherwise the record will be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to it.

# Ansford Academy Formal Complaint Form



<b>Your name</b>	
<b>Pupil's name (if relevant)</b>	
<b>Relationship to pupil (if relevant)</b>	
<b>Your address</b>	
<b>Your email address</b>	
<b>Your day time telephone number</b>	
<b>Your evening telephone number</b>	

**Previous contact with staff at the Academy about this complaint**

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**Details of complaint**

**What outcomes are you hoping for as a resolution to this complaint?**

**Are you attaching any paperwork? If yes, please give details below**

**Signature:**

**Date:**

<b>OFFICIAL USE ONLY</b>			
<b>Date received</b>		<b>By whom?</b>	
<b>Confirm Stage 2</b>		<b>By whom?</b>	
<b>Date acknowledged</b>		<b>By whom?</b>	
<b>Date of expected outcome</b>			
<b>Investigating Officer</b>			
<b>Date of contact by I.O.</b>			
<b>Additional information gathered by Investigating Officer</b>			
<b>Date investigation completed</b>			
<b>Date of written response</b>		<b>By whom?</b>	