



Complaints Policy and Procedures

1. Introduction

This document has been produced in line with the Local Authority Complaints Procedure and in accordance with the requirements of OFSTED

Four Acres Academy Directors and the Executive Head Teacher are committed to providing the best educational experience they can for all children and Children’s Centre users. They recognise the value to all concerned of dealing fairly, speedily and effectively with any complaint against their decisions, actions or omissions, which a pupil or parent or other aggrieved person may have. To this end, they have adopted the principles and procedures set out in this document.

2. Policy Statement Principles

- The procedures are designed to ensure that wherever possible, an informal resolution is attempted at the outset.
- All stages of the complaints procedure are investigatory rather than adversarial .
- To allow for a proper investigation, complaints should be brought to the attention of the Academy as soon as possible and must be within 3 months of the event.
- All complaints will be treated as confidential. Only those individuals concerned with investigating the complaint will have access to the file. No information regarding the investigation will be made available publicly unless required by law.

3. Responsible Persons

Board of Directors and Executive Head Teacher.

4. Relevant Legislation

Education (Independent School Standards (England) Regulations 2010 Schedule 1, Part 7

5. Associated Policies

Data Protection Policies and Procedures and Child Protection Policies and Procedures

6. Definition of a Complaint

A complaint is a clear expression of dissatisfaction, however made, by a person or persons with a legitimate interest in the Academy (but not being employed at the Academy or on the Board of Directors) about the standard of teaching, the conduct, actions, or lack of action, of members of the teaching or non-teaching staff employed at the Academy and anybody else working under the direction of the Executive Head Teacher, which affects an individual or group.

Complaints about persons outside of the Academy will initially be dealt with by the Executive Head Teacher as site manager and be referred to the appropriate authority.

7. Anonymous Complaints

There is no duty for Executive Head Teachers or Directors to pursue anonymous complaints because there is no named complainant to respond to. However, if such complaints allege or imply a serious matter that may be to the detriment of the Academy, then it will be at the Executive Head Teacher's discretion to consider whether a case needs further investigation or

not. Further investigation may be carried out in exceptional circumstances such as child protection issues or bullying allegations, where the Academy would involve appropriate external agencies.

8. Vexatious Complaints

There will be occasions when, on proper investigation a complaint is deemed to be unfounded, malicious or vexatious or when despite all stages of the procedure having been followed the complainant remains dissatisfied and wishes to reopen the same issue.

In these circumstances the Chair of the Board of Directors will inform the complainant in writing that the procedure has been exhausted and that the matter is closed.

9. Process for Complaints

9.1 Stage 1 - Informal Stage

Complaints are best resolved by approaching the individual direct. A local resolution is generally much quicker and less formal.

The complainant is normally expected to arrange to communicate directly with the member of staff concerned. This may be by letter, by telephone or in person by appointment. Many concerns can be resolved during an informal meeting by simple clarification or the provision of information and it is anticipated that most complaints will be resolved by this informal stage

If the complainant is reluctant to do this, then a conciliation meeting with the Executive Head Teacher or their nominee will be arranged. If the complaint concerns the Executive Head Teacher then the complaint will be passed to the Deputy Head Teacher or a Director. If this cannot be satisfactorily resolved then the complaint should be put in writing and dealt with as in stage 3 below.

If the complaint concerns an incident that has resulted in personal injury or injury to a child, either by a member of staff or another child, the Executive Head Teacher will inform the Chair of Directors and Bristol City Council (if the incident took place in the Children’s Centre) through the normal procedures with particular reference to the child protection procedures if applicable. An Incident Report Form will be completed and the usual incident investigations will also take place. All persons involved will take care not to act in a way that could undermine any investigation by the police or social services.

9.2 Stage 2 - Formal Stage

Complaints dealt with by the Executive Head Teacher

If the complaint is not resolved at the informal stage the complainant must complete a Complaints Form (see Annex 1) and submit this to the Executive Head Teacher. The form requests details that may assist the investigation, such as names of potential witnesses, where they might be contacted, the subject of the complaint, his/her name and position (if known), what happened, i.e. the incidents with an account confined to the facts, dates, time and location of the incident, copies of relevant documents and any other relevant information.

The Executive Head Teacher will decide whether to delegate the investigation of the complaint to another member of staff or whether to undertake the investigation himself.

The Executive Head Teacher will ensure that a written acknowledgement is sent to the complainant within 5 working days of receiving the complaint. The acknowledgement will give a brief explanation of the Academy's complaints procedure and will give a target date for providing a response, which should

normally be within 10 working days. If this target is not met a letter should be sent within the 10 working days explaining the reason for the delay and providing a revised target response date.

The person who is complained against should be informed and provided with the relevant details of the complaint so that he/she can answer the allegations and be made aware that an investigation is taking place. He/she should be invited to submit a written response; this should normally be within 7 working days.

The Executive Head Teacher will collect such other evidence, as he deems necessary. This may involve the Executive Head Teacher meeting with and interviewing the complainant, the subject of the complaint and any other witnesses to clarify the complaint. Where this involves an interview with a member of staff, who is the subject of the complaint, a work colleague or trade union representative may accompany that member of staff if they wish and that member of staff is entitled to 2 days' notice of the interview. The Executive Head Teacher should obtain witness statements from all witness interviewed including the complainant and the subject of the complaint.

When the investigation has been concluded all parties will be informed in writing of the outcome. This will include an outline of the complaint, the main findings of the investigation, the decision reached by the Executive Head, and, where appropriate, what action the Academy proposes to take to resolve the complaint. The response should also inform the complainant that should they remain dissatisfied, they would have a right for their complaint to be reviewed by the Board of Directors.

9.3 Stage 3 - Formal Stage

9.3.1 Complaints referred to the Board of Directors

Where the complainant is dissatisfied with the outcome of the Executive Head's responses and wishes to pursue the complaint further, a written request stating this must be sent within 10 working days of receiving the response to the Chair of Directors for the complaint to be reviewed by a nominated Director.

Any such request must include a statement specifying any perceived failings in either procedure or decisions made. A request for a review that is based solely on dissatisfaction of the response/outcome decision will not normally be accepted.

An acknowledgement should be sent within 5 working days of receiving the request and should inform the complainant that a panel of three Directors (not including the Executive Head Teacher or Academy staff Directors) would be set up to review the complaint within 30 working days from the date of the acknowledgement.

The Chair of Directors will write and inform all appropriate parties of the date, time and place of the review meeting at least 5 working days in advance of it. Any relevant documentation relating to the complaint should also be issued to all parties at this time.

9.3.2 Complaints concerning the Executive Head Teacher or a Director - referred to the Chair

Where the complaint concerns the Executive Head Teacher or a Director (including the Chair of Directors) and has been directly addressed to the Chair of Directors, the matter should be referred to the Executive Head Teacher/Director and a written response invited. The Chair or Executive Head Teacher will then respond to the complainant who if they are still dissatisfied can request that a panel of Directors review the complaint.

9.4 Review Process

If the complainant is unhappy with the outcome of the formal process and wishes to pursue the

complaint further, then they can initiate the review process. This will involve a panel of people considering the complaint. The complainant is entitled to be accompanied at this meeting by one other person or two if one of these is an interpreter or carer who is there solely for the purposes of the complainant’s welfare or communication and will not represent them at the meeting.

The Review Process will be carried out by a panel of 2 members of the Board of Directors and an independent person who is not involved in running the Academy. The panel will hear the complaint at a meeting attended separately by the complainant and the Executive Head Teacher. Written evidence will be submitted in advance to all parties and verbal evidence will be given at the review meeting.

The meeting will be conducted in an informal manner with each party treating the other with respect and courtesy. The conduct of the meeting is as follows:

Part 1

1. The complainant and any representative will enter the room.
2. The Chair of the panel will welcome the complainant, introduce the members of the panel, explain the process of the hearing and confirm the complaint that is to be heard.
3. The Chair of the panel will confirm that all parties have copies of the documentation submitted by the complainant and the Executive Head Teacher, as well as the names of any witnesses the complainant has indicated s/he wishes to call.
4. The panel will hear the complaint
5. The panel will then have the opportunity of asking the complainant questions regarding the complaint
6. The complainant will call any witnesses
7. After the witness(es) have given their statements the panel may then ask any questions of the witness(es) regarding their statements
8. The complainant or their representative will then have to opportunity of summing up their complaint.
9. The Chair of the panel will explain that the panel will consider the issues and a written decision will be sent in writing within 10 working days.
10. The complainant and any representative will then withdraw.

Part 2

1. The Executive Head Teacher and any representative will enter the room
2. The Chair of the panel will introduce the members of the panel, explain the process of the hearing and confirm the complaint that is to be heard.
3. The Chair of the panel will confirm that all parties have copies of the documentation submitted by the complainant(s) and the Executive Head Teacher, and the names of any witnesses that the Executive Head Teacher has indicated he wishes to call.
4. The Executive Head Teacher will respond to the complaint
5. The panel will then have the opportunity of asking the Executive Head Teacher any questions regarding his response.
6. The Executive Head Teacher will call any witnesses
7. After the witnesses have given their statements the panel may then ask any questions of the

witness(es) regarding their statements

8. The Executive Head Teacher or his representative will then have the opportunity of summing up their response

9. The Chair of the panel will explain that the panel's conclusion will be sent, in writing, within 10 working days.

10. The Executive Head Teacher and her/his representative will then withdraw.

The Complaints Panel will then consider the complaint and all the evidence presented and:

- a) reach a decision on the complaint and the reasons for it
- b) decide upon the appropriate action to be taken to resolve the complaint. (There may be instances where this involves recommending the use of the disciplinary or capability procedures)
- c) where appropriate, suggest recommended changes to the Academy's systems or procedures to try to ensure that complaints of a similar nature are not made in the future and
- d) provide a written response within 5 working days.

Behaviour of those involved in the complaint

It is a requirement that those involved in the complaint express themselves respectfully of the other party and do not become aggressive, non-cooperative or make threatening comments. If either party does not comply with this requirement then the process can be terminated at any point and resumed when the party concerned has advised the other that they are prepared to continue in a respectful way. If the situation is deemed to be volatile, then another member of staff will be asked to sit in on the meeting and the meeting will proceed or be terminated at their discretion.

9.5 Further Stages

Following the Directors' complaints hearing at stage three, it is open to the complainant to pursue their complaint with the Education Funding Agency(EFA) for matters which concern the Academy and Ofsted for matters which concern the Children’s Centre . The EFA form can be found via this web link:

https://form.education.gov.uk/fform.php?self=1&form_id=cCCNJ1xSfBE&type=form&ShowMsg=1&form_name=Contact+the+Department+for+Education&noRegister=false&ret=%2Fmodule%2Fservices&noLoginPrompt=1

The EFA will consider complaints about the Academy which fall into any of the following 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.

The EFA will not overturn an Academy’s decision about a complaint, but will request that a complaint is looked at from the appropriate stage and thereafter follows the process, to check that the academy did deal with the complaint properly or to put right any non-compliance with regulations. They may also seek to enforce the decision under the terms of the funding agreement on behalf of the Secretary of State.

If the matter concerns the Children’s Centre the complainant can contact Ofsted at: Ofsted Early Years, Freshford House, Redcliffe Way, Bristol, BS1 6NL Tel. 0300 123 4666.

Ofsted will investigate concerns that relate to the Centre in relation to meeting welfare, learning and development requirements. They may initially require the Centre to look into the concern and report back. If they decide that the action taken by the Centre is not sufficient they will take further action, which may include carrying out an investigation visit.

Following their investigation, Ofsted will make a decision about whether or not the Centre needs to take any action to ensure it continues to meet welfare, learning and development requirements and remain registered. The Academy will be kept informed and involved as appropriate.

If a complainant has provided Ofsted with their contact details, they can expect to receive a written summary of the investigation when it is complete.

10. Recording Complaints

The Academy will record each meeting that is held, the progress of the complaint and the final outcome. A complaint may be made in person, by telephone, or in writing (including email). A copy of the Complaint Form can be found at Annex 1. At the end of any meeting or telephone call, the member of staff involved should ensure that the complainant and the Academy have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls will be kept and a copy of any written response added to the record. A summary of the meeting decisions and outcome will be provided to the complainant if requested within 5 working days of the request.

11. Policy Monitoring

The Board of Directors will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. Complaints information shared with the whole Board of Directors will not name individuals.

As well as addressing an individual's complaints, the process of listening to and resolving complaints will contribute to Academy improvement. When individual complaints are heard, the Academy may identify underlying issues that need to be addressed. The monitoring and review of complaints by the Academy and the Board of Directors will be used to evaluate the Academy's performance.

This policy and procedure was adopted by the Directors on: Date 12 / 02 / 15

Director 1 Pat Triggs Director 2 Robert Lane

Signature: Signature:

Date: 5 Feb 2015 Date 26 Jan 2015

This policy and procedure was published on: Date 11/ Feb /2015 Signed: R Barfoot

This policy and procedure is due for revision on : Date Feb 2017