



**The Park Federation Academy Trust
James Elliman Academy**

Complaints Procedure

Approval

Signed by CEO and Federation Principal on behalf of the Board of Directors	Dr. Martin Young
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The Park Federation Academy Trust complaints procedure for its academies is governed by Statutory Instrument 2003 No 1910. The Education Independent Academy Standards – England – regulations 2003 Section 7 (manner in which complaints are to be handled).

The Park Federation Academy Trust's complaints procedure applies to all its academies, including James Elliman Academy.

Section One: Overview

If you have a complaint regarding any aspect of an academy or any community facility or service we provide, they should be brought to the Academy Principal's attention as soon as possible. If you bring a complaint to the notice of an Academy Council Governor or Board Director, he or she will, in the first instance, refer the matter to the Principal unless the complaint is in relation to the Principal in which case it will be passed to the Chief Executive Officer. Where the complaint is against the Chief Executive Officer then this complaint will be investigated by the Board Director with oversight of Operations.

The Principal, Chief Executive Officer or Board Director with oversight of Operations will investigate your complaint and will contact you within ten working days.

If the matter has not been resolved to your satisfaction, it can be brought to the attention of the Board of Directors. They will investigate and normally respond within ten working days.

Unresolved complaints about the special educational provision we make for your child will be referred to the Board of Directors who will consider your complaint at their next meeting. They will then contact you within ten working days following the date of that meeting.

If you have a concern ...

What to do first

Take a few minutes to read this document and then think your concern through.

What actually happened?

Remember, there is often more than one view about an incident or situation. For example, your child may well be telling the truth but it may not be the whole story.

What is your concern?

What do you hope will happen with regard to raising your concern with the academy? It might help to talk this through with a friend or relative.

When you choose to raise your concern with the academy, please remember that although you want to change a situation, you want it to end on a positive note with no bad feeling. In order to do this you should try to follow the procedures carefully and always try not to put yourself or anyone else into a corner.

What to do next

When you are clear in your own mind as to what you believe has happened, you will then need to speak to someone at the academy. This may be a class teacher, Year Team Leader, or a member of the Senior Leadership Team. You can do this by telephone or in writing.

Please remember that it is not always possible to see parents who just 'pop in'. It is always best to make an appointment where you can sit and talk things through calmly and without interruption. Investigating complaints does take time and the answers are not always readily available, but you will at least be able to decide whether the action taken (or not taken) was reasonable and whether any further steps taken by the class teacher, Year Team Leader or member of the Senior Leadership Team would solve the problem.

Informal Stage

Concerns Heard by Members of Staff

In order to raise your concerns with the appropriate person, it is best to first check with the academy to ascertain who would be the most appropriate person with whom to make an appointment.

At the meeting, your views will be respected and the member of staff will listen and make a written record of your concerns. He or she may refer the issue to his or her line manager if they feel then cannot find a resolution and it is appropriate so to do.

If, after this meeting, you feel there is no resolution to your concerns, you can raise your concern/s with the Principal.

Concerns Heard by the Principal

Where the Principal receives a request about an unresolved concern, they can either collect the information regarding the concerns themselves or delegate this task to another member of the senior leadership team. He or she will not delegate the decision of action to be taken as a result of analysis of the information.

If, at the end of this process it is still felt that the concern has not been resolved, the complainant has the right to move to the formal stage of the Trust's complaints procedure.

Concerns Heard by the Chief Executive Officer

Where the Chief Executive Officer receives a concern about an Academy Principal, he or she will collect the information regarding the concerns and will decide on the best course of action.

Where the Chief Executive receives a request about an unresolved concern, he or she will collect the information regarding the concerns and will decide on the best course of action.

If, at the end of this process it is still felt that the concern has not been resolved, the complainant has the right to move to the formal stage of the Trust's complaints procedure.

Concerns Heard by the Board's Operations Director

Where the Board Director with oversight of Operations receives a complaint made against the Chief Executive Officer he or she will collect the information regarding the concerns and will decide on the best course of action.

Where the Board Director with oversight of Operations receives a request about an unresolved concern, he or she will collect the information regarding the concerns and will decide on the best course of action.

If, at the end of this process it is still felt that the concern has not been resolved, the complainant has the right to move to the formal stage of the Trust's complaints procedure.
Formal Stage

The complainant needs to write to the Chair of Board of Directors (c/o the academy) giving details of the complaint. The Chair or a nominated Board Director will convene a Complaints Panel to hear the case. They will adjudicate and write to the complainant after their hearing.

Should the complainant still consider the concern has not been resolved, they have the right to appeal to an Appeal Panel Committee, which is the last stage of the Trust process.

Section 2: Complaints procedure

General Principles of our complaints procedure

Dealing with Complaints – Initial concerns

1. By being clear about the difference between a concern and a complaint and taking informal concerns seriously at the earliest stage we hope to reduce the numbers that develop into formal complaints.
2. These key messages deal with complaints but the underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. In most cases the class teacher or the individual delivering the service in the case of extended academy provision, will receive the first approach. It would be helpful if staff were able to resolve issues on the spot, including apologising where necessary.

Dealing with Complaints – Formal procedures

3. The formal procedures will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.
4. The Principal is the member of staff with responsibility for the operation and management of the academy complaints procedure unless the complaint is made against the Principal or the Chief Executive Officer.

Framework of Principles

5. The Park Federation Academy Trust's complaints procedure will:
 - encourage resolution of problems by informal means wherever possible;
 - be easily accessible and publicised;
 - be simple to understand and use;
 - be impartial;
 - be non-adversarial;
 - allow swift handling with established time-limits for action and keeping people informed of the progress;
 - ensure a full and fair investigation by an independent person where necessary;
 - respect people's desire for confidentiality;
 - address all the points at issue and provide an effective response and appropriate redress, where necessary;
 - provide information to the academy's senior leadership team so that services can be improved.

Investigating Complaints

6. The person investigating the complaints must make sure that they:
- establish what has happened so far, and who has been involved;
 - clarify the nature of the complaint and what remains unresolved;
 - meet with the complainant or contact them (if unsure or further information is necessary);
 - clarify what the complainant feels would put things right;
 - interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
 - conduct the interview with an open mind and be prepared to persist in the questioning;
 - keep notes of the interview.

(Note Annex A Complaints Form)

Resolving Complaints

7. At each stage in the procedure we will keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:
- an apology;
 - an explanation;
 - an admission that the situation could have been handled differently or better;
 - an assurance that the event complained of will not recur;
 - an explanation of the steps that have been taken to ensure that it will not happen again;
 - an undertaking to review academy policies in light of the complaint.
8. Complainants should be encouraged to state what actions they feel might resolve the problem at any stage. (An admission that The Park Federation Academy Trust could have handled the situation better is not the same as an admission of negligence).
9. We will identify areas of agreement between the parties and we will clarify any misunderstandings that might have occurred in order to create a positive atmosphere in which to discuss any outstanding issues.

Vexatious Complaints

10. If properly followed, our complaints procedure should limit the number of complaints that become protracted. However, there may be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the chair of the Board of Directors is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

Time Limits

11. Complaints need to be considered, and resolved, as quickly and efficiently as possible. We will have realistic time limits for each action within each stage. However, where further investigations are necessary, new time limits will be set and the complainant sent details of the new deadline and an explanation for the delay.

The Formal Complaints Procedure

The Stages of Complaints

12. A flow chart of suggested complaint procedure stages can be found in Annex B. At each stage we will clarify exactly who will be involved, what will happen, and how long it will take. There may, on occasion, be the need for some flexibility; for example, the possibility of further meetings between the complainant and the member of staff directly involved and further investigations may be required by the Principal, Chief Executive Officer or the Board Director with oversight of Operations after a meeting with the complainant.

13. Three academy-based stages are likely:

- Stage one: complaint heard by staff member (though not the subject of the complaint);
- Stage two: complaint heard by the Principal, Chief Executive Officer or Board Operations Director;
- Stage three: complaint heard by the Board of Directors complaints panel;

14. Please note that an unsatisfied complainant can always take a complaint to the next stage.

Section 3: Managing and Recording Complaints

Recording Complaints

15. The Park Federation Academy Trust will record the progress of the complaint and the final outcome. A complaint may be made by email, telephone, in person or in writing. At the end of a meeting or telephone call, the member of staff must 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. (Note Annex A)

16. Complaints documentation must be lodged with the Principal.

Board of Directors Review

17. The Board of Directors will monitor the level of formal complaints and the 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.

18. 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 is a useful tool in evaluating an academy's performance.

19. Guidelines for The Park Federation Academy Trust's Board of Directors complaints procedures (first and appeal hearings) can be found in Annex C.

Publicising the Procedure

20. There is a legal requirement for the Complaints Procedures to be publicised.

- the Trust/Academy complaints procedure can be found on the academy website under policies.

**Annex A
Complaint form**

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

Your name:

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:

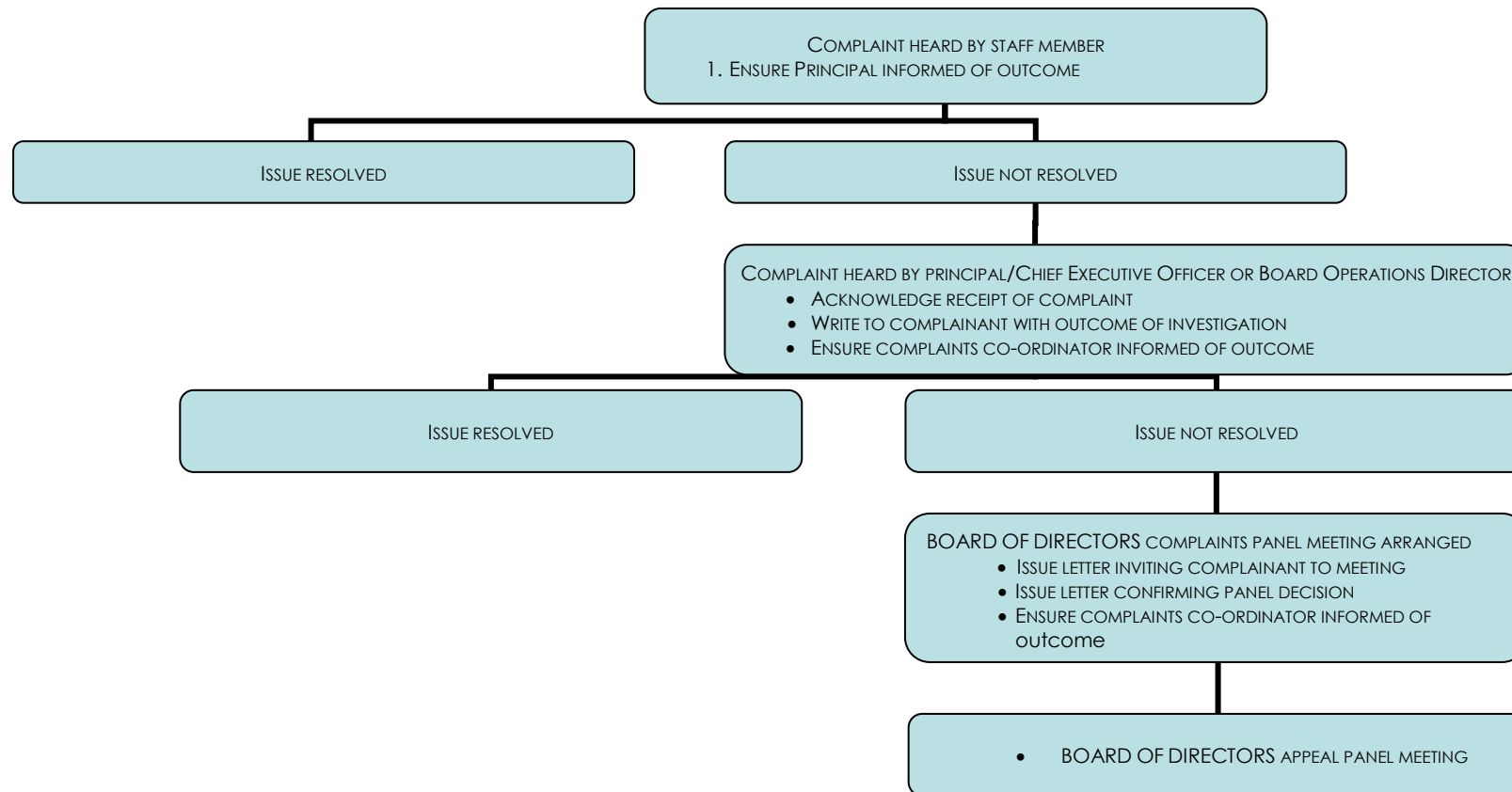
By who:

Complaint referred to:

Date:

Flowchart

SUMMARY OF DEALING WITH COMPLAINTS



**BOARD OF DIRECTORS FIRST/APPEAL HEARING PROCEDURE
(PANEL GUIDELINES)**

The Board of Directors first appeal hearing is not convened to merely rubber-stamp previous decisions.

Individual complaints would not be heard by the whole Board of Directors at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

The Board of Directors may nominate a number of members with delegated powers to hear complaints at that stage, and set out its terms of reference. These can include:

- drawing up its procedures;
- hearing individual appeals;
- making recommendations on policy as a result of complaints.

Panels for Board of Directors Appeal hearings must consist of at least three people who were not directly involved in the matters detailed in the complaint, one of whom should be independent of the Academy. The panel can be drawn from the nominated members and may consist of three or five people. The panel may choose their own chair.

The Remit of The Complaints Appeal 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;
- recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

There are several points which any Director 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 Director 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, directors need to meet the criteria above and are consistent with the recommendation in the Independent Schools Standards Regulations 2003.
- 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. Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.
- e. The directors sitting on the panel need to be aware of the complaints procedure.

Roles and Responsibilities

The Role of the Clerk

The Department strongly recommends that any panel or group of directors considering complaints be clerked. The clerk would be the contact point for the complainant and be required to:

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate any written material and send it to the parties in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the panel's decision.

The Role of the Chair of the Board of Directors or the Nominated Director

The nominated director role:

- check that the correct procedure has been followed;
- if a hearing is appropriate, notify the clerk to arrange the panel;

The Role of the Chair of the Panel

The Chair of the Panel has a key role, ensuring that:

- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents and others who may not be used to speaking at such a hearing are put at ease;
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- the panel is open minded and acting independently;
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;

- each side is given the opportunity to state their case and ask questions;
- written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

Notification of the Panel's Decision

The chair of the panel needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response; this is usually within a set deadline which is publicised in the procedure. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

In a Board of Directors 'first' hearing the letter must state that there is a right of appeal to a Board of Directors Appeal Panel. Appeal letters setting out the case for the appeal must be lodged with the Chair of the Board of Directors within ten days of the date of notification of the panel's decision.

CHECKLIST FOR A PANEL HEARING

The panel needs to take the following points into account:

- The hearing is as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The Principal, Chief Executive Officer or Director may question both the complainant and the witnesses after each has spoken.
- The Principal, Chief Executive Officer or Director is then invited to explain the academy's actions and be followed by the school's witnesses.
- The complainant may question both the Principal and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The Principal, Chief Executive Officer or Director is then invited to sum up the academy's actions and response to the complaint.
- Both parties leave together while the panel decides on the issues.
- The Chair explains that both parties will hear from the panel within a set time scale.

Unresolved complaints can be directed to the DfE at:

Ministerial and Public Communications Division

DfE

Castle View House

East Lane

Runcorn WA7 2GJ