

## GOSFORTH FEDERATED ACADEMIES LTD



### COMPLAINTS PROCEDURE FOR PARENTS/CARERS OR FROM PEOPLE WHO ARE NOT PARENTS OF ATTENDING STUDENTS

Jesmond Park Academy is committed to providing the highest quality education and care for students; the Academy is committed to the principle of anyone being able to raise a concern or register a complaint in respect of or in relation to their child/children at the Academy or the institution itself.

The Academy will always strive to recognise when a complaint or any expression of dissatisfaction is being made and treat it in accordance with this complaints policy. However, the Academy does encourage all complainants to adopt the procedures set out in this complaints policy in order to allow the Academy to deal with any such complaints in the fairest way using the most appropriate means available to it.

The Academy is committed to an open and honest approach to complaints handling. This document is the only complaints policy for use by our staff, students and parents.

In investigating a complaint we will take every care to safeguard privacy and confidentiality. However, any member of staff mentioned in a complaint will be made aware of the issues raised and will have an opportunity to comment on them. In addition, it may be necessary to share the complaint with other parties within the Academy likely to be helpful in providing a solution.

It may be appropriate to resolve things with one or more of the following:

- An explanation
- An acknowledgement that the complaint is valid in whole or in part and / or that a situation could have been handled differently or better [this is not the same as an admission of negligence]
- An assurance and explanation of the steps that have been taken/will be taken to help to ensure that it will not happen again
- An apology
- An undertaking to review Academy procedures in light of the complaint.

#### Objectives of the Complaints Procedure

1. To promote high quality education and care for students;
2. To develop and maintain harmonious and respectful relationships between Parents and Carers and the Academy; and
3. To respond promptly and effectively to concerns or complaints made by Parents and Carers/others.
4. To encourage resolution of problems by **informal** means wherever possible;
5. To be easily **accessible**;
6. To be **simple** to understand and use;
7. To be **impartial**;
8. To be **non-contentious**;
9. To allow **swift** handling with established **time-limits** for action and keeping people informed of the

progress;

**10.** To respect people's desire for **confidentiality**;

**11.** To address all the points at issue and provide an **effective** response and **appropriate** redress, where necessary.

### **Complaints that result in staff capability or disciplinary action**

If at any formal stage of a complaint it is determined that staff capability or disciplinary proceedings are necessary to resolve an issue the details of this action will remain confidential to the Chief Executive Officer and Headteacher. The complainant is entitled to be informed that action is being taken. However, they are not entitled to participate in these proceedings or receive any detail about them.

### **Social media**

In order for complaints to be resolved as quickly and fairly as possible, we request that complainants do not discuss complaints publically via social media. Complaints will be dealt with in confidence for those involved and we expect complainants to also observe confidentiality.

### **Procedure to register a concern (Informal) Stage 1**

The first point of contact with the Academy concerning your child should be his / her Form Tutor / Year Manager/ Head of Year.

The first point of contact with the Academy concerning anything else should be the Company Secretary.

The Academy considers any concerns very seriously and most problems can be resolved at this stage, however, it is important that you tell us as soon as possible.

The Academy will always seek to agree an informal resolution whenever appropriate with each and every complainant.

The Academy recognises that many concerns may easily be dealt with by way of a telephone call or face to face conversation. If a complainant would like their concerns to be initially dealt with in this informal way the complainant should make this known to the Academy. The Academy will then liaise with the complainant's usual first point of contact to make such arrangements.

If the concern cannot be dealt with straightaway the complainant's first point of contact will acknowledge the concerns and will provide the complainant with an anticipated time in which it will be addressed.

Formal procedures will only need to be invoked when initial attempts to resolve the issue have been unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

### **Formal Complaint**

If the concern has not been resolved at the informal stage, the formal complaint process as detailed below will be followed. Only one individual complaint may be considered at one time.

## **2.1 Stage 2**

For a concern to be formally investigated by an appropriate person from the Academy, please ask the Academy office for a Complaint Form. If help is required completing the form, the Academy will be happy to provide the assistance of someone not directly connected with the complaint.

### **2.1.1 If the matter is about:**

- the day-to-day running of the Academy;
- the interpretation of Academy policies; or
- the actions or inactions of staff at the Academy

It will be investigated by the CEO, Headteacher or a senior member of staff nominated by them.

### **2.1.2 If the matter is about:**

- Academy policies as determined by the Local Advisory Group or Trustees;
- the actions or inactions of the Local Advisory Group or Trustees; or
- the CEO

It will be investigated by the Chair of Trustees or a person nominated by the Chair of Trustees.

Where possible the person carrying out the investigation will respond to the complaint as soon as possible. He/She will normally write to the complainant with the outcome of this process within 15 Academy working days of receiving the complaint. If there is a delay it will be communicated to the complainant together with the reasons for the delay.

The written outcome of the process will set out the findings of the investigation and will include sufficient detail for the complainant to understand how and why the decision was reached.

If it becomes apparent during the investigation that the complaint is a disciplinary or capability issue, then the matter will be dealt with by following the appropriate procedure rather than the complaints procedure. The complainant will be notified if this is the case.

## **2.2 Stage 3**

If not satisfied with the result from Stage 2, the complainant may choose to refer the complaint to Stage 3 of the procedure. This must be done in writing to the Company Secretary at the Academy address within 15 Academy working days of the completion of Stage 2.

At this Stage, the complaint will be considered by a panel.

- If Stage 2 was investigated by the CEO, Headteacher or a senior member of staff nominated by a panel of two trustees plus a person independent of the management and running of the Academy / trust<sup>1</sup> will consider the manner in which the complaint was addressed and decide whether it has been properly dealt with. They will make a final decision about it on behalf of the governing body. The general principle is that the Academy should be able to produce documentary evidence to show that

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<sup>1</sup> This person will be sourced via Newcastle City Council Governor Services.

the complaint has received fair and proper consideration within the Academy's procedure. If they have any concerns, they may ask the CEO or Headteacher to re-open the investigation. The Academy will endeavour to provide a final written decision within 15 Academy working days. The complainant will be kept informed of any delay and the reason for such delay.

- When Stage 2 has been investigated by the Chair or nominated trustee, Stage 3 will be carried out by a panel of two other trustees plus a person independent of the management and running of the school / trust, who will meet to consider the complaint and make a final decision about it on behalf of the trustees.

### **2.2.1 Where the complaint is considered by a panel**

This will comprise two Academy trustees and a person independent of the management and running of the school / trust who have no detailed prior knowledge of the complaint, or connection with the complainant.

The complainant will be informed of the identities of the panel members by no later than 10 Academy working days before the meeting. If the complainant has a genuine concern with regards to the identities of the panel members they should make these known to the Academy by no later than five Academy working days before the meeting together with the reason for concerns. In these circumstances, it may be necessary for the Academy to reschedule the meeting to address such concerns and/or to arrange alternative panel members.

The meeting will normally take place within 15 Academy working days of the request. If this is not feasible the complainant will be contacted and provided with sufficient detail to understand the reason for the delay. There is the opportunity to submit written evidence on the complaint prior to the meeting of the panel and also to attend, accompanied by a friend/partner if desired, to put forward the case. The Headteacher / CEO will be given the same opportunities.

At the meeting, each individual will have the opportunity to make statements, present evidence and have the opportunity to ask / reply to questions. Once the complainant and Trust representative have presented their cases they will be asked to leave for the panel to consider its findings and make recommendations.

The panel will write to the complainant [and, where relevant, the person/s complained about] with its conclusion within 15 Academy working days of the meeting. The complainant will be kept informed of any delay and the reason for such delay.

### **2.2.2 The decision of the panel is final**

The decision of the panel is the last step in the Academy process. Internal Academy matters are the responsibility of the Academy's trustees. The Local Authority can only provide advice to parents/carers and on best practice procedures when dealing with complaints.

## **3 Referring complaints on completion of the Trust's procedures**

If the complainant is not satisfied with the outcome of the Trust's complaints procedure, they can refer their complaint to the Education and Skills Funding Agency [ESFA]. The ESFA will check whether the complaint has been dealt with properly by the school. The ESFA will not overturn a Trust's decision about a complaint. However it will look into:

- Whether there was undue delay
- If the Trust failed to comply with its own complaints procedure

- Whether the Trust was in breach of its funding agreement with the Secretary of State
- Whether the Trust has failed to comply with any other legal obligation

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

For more information or to refer a complaint, please visit:

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

### **Dealing with persistent complaints**

In the case of vexatious or persistent complaints the Company Secretary will inform the complainant in writing that the procedure has been exhausted and that the matter is now closed. Gosforth Federated Academies reserves the right to deny investigation of any complaints which are considered to be vexatious, malicious, and those relating to a previous complaint which has already been investigated.

## **4 Record-keeping**

The Trust 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. Records will include copies of letters, emails and notes relating to meetings and phone calls. The written records will be in accordance with Part 7 of the Education [Independent School Standards] Regulations 2014, sub-paragraph [e] with details of whether they were resolved following a formal procedure, or progression to a panel hearing.

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. Findings and recommendations of the panel will be available on the school premises for inspection by the proprietor and the Headteacher / CEO. This is except where the Secretary of State [or someone acting on his/her 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 material must be made available during a school inspection under Section 109 of the 2008 Act where access is requested.

Records of complaints will be held for three years from the completion of a particular complaints procedure.

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 date.

Where the governing body is aware of the substance of the complaint before the review panel stage, the Trust will [where reasonably practicable] arrange for an entirely independent panel to hear the complaint. This will be sourced from another Academy Trust or via Newcastle City Council Governors' Services.

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 trustees who will not unreasonably withhold consent.

## 5 Monitoring and Review

The Trustees monitor the Complaints Procedure annually, in order to ensure that all complaints are handled properly. Trustees track the number and nature of complaints on an annual basis and consider the need for any changes to the procedure as well as reviewing any underlying issues that may need attention.

The Academy will record the action it takes as a result of complaints (regardless of whether they are upheld). Trustees will determine whether there are any improvements or changes the Trust can make to its procedures or practice to help prevent similar events happening in future.

The complaints records are logged and managed by the Clerk to the Trustees.

## 6 Availability

A copy of this procedure is available to all parents on request.

## 7 What if I have a concern/complaint about any of the following?

- Children with special educational needs
- Disciplinary issues relating to members of staff
- Allegations of abuse
- Anonymous complaints
- Services provided by other providers who use school premises
- Safeguarding
- Freedom of information and Subject Access requests
- Admissions and exclusion appeals
- Provision of collective worship and religious observance

There are existing statutory bodies, personnel or other procedures for dealing with these issues. The Academy will be able to assist in pursuing complaints on these issues.

<b>Date approved:</b>	September 2019 .....
<b>Signed:</b>	.....
<b>Date to be reviewed:</b>	September 2020 .....

# COMPLAINTS FORM

**Name (please print):** .....

**Student Name:\*** ..... **Form Group:\*** .....

**Address:** .....

.....

**Telephone Number:** .....

**Date:** .....

Please summarise your attempts to resolve your complaint informally:

a) To whom was the initial complaint made and when?

b) What was the Academy's response to your complaint?

c) Why do you remain dissatisfied with the response to your complaint?

**Nature of complaint:**

**Outcome sought to the complaint (You should indicate the outcome you seek in making this complaint):**

N.B. You are asked to note that this is your preference only, and places no restriction on the outcome of the operation of the Complaints Procedure.

**Data Protection**

I hereby consent for any sensitive/confidential personal data, held by the Academy to be made available to the investigator / panel members for use as evidence or supporting documentation as appropriate. I understand that as part of the investigation into my complaint it may be necessary to share this information with other Academy staff on a need-to-know basis.

**I declare that to the best of my knowledge all of the information I have supplied is true, accurate and complete.**

**I give my consent for information in this Form and attached documents, and personal data held elsewhere within the Academy, to be shared with relevant members of Academy staff / Trustees / Panel members on a need-to-know basis for the purpose of investigating my complaint.**

**Signature:** .....

*\* Please disregard if you are not a parent/carer*