



Castle View
Enterprise
Academy

Complaints Procedure Policy

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| Author's Name | J.S. Bridges |
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SIGNATURES:

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|---------------------------|-------------------|
| Principal | Mrs J. S. Bridges |
| Chair of Governors | Mrs H. Mottram |

Statement of Policy

Dealing with Complaints: Informal Procedures

The Academy must be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.

Concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally. 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.

If the complaint is about:

- i) A member of staff it is referred to the Principal to deal with the complaint
- ii) The Principal of the Academy – The Chair of Governors and Complaints Officer deal with the complaint.

Dealing with Complaints: Formal Procedures

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.

The Academy has nominated a member of staff who has responsibility for the operation and management of the Academy's complaints procedure. This person will be referred to as the Academy's Complaints Officer.

Framework of Principles

The Academy's Complaints Procedure is designed to:

- encourage resolution of problems by informal means wherever possible;
- be easily accessible and publicised (the policy and procedure are available on request and is available on the Academy website);
- 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; and
- provide information to the Academy's Senior Leadership Team so that services can be reviewed and if necessary improvements made.

Investigating Complaints

At each stage, the person investigating the complaint (the Complaints Officer), will ensure 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; and
- keep notes of the interview.

Resolving Complaints

At each stage in the procedure the Academy will consider ways to resolve a complaint, it may be appropriate to offer one or more of the following:

- It may be that the complaint is not valid. The complainant should be acknowledged and offered a full explanation of the issues and actions relating to their complaint.
- It might be sufficient to acknowledge that the complaint is valid in whole or in part.
 - 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; and
 - an undertaking to review Academy policies in light of the complaint.

Complainants should be encouraged to state what actions they feel might resolve the problem at any stage. An admission that the Academy could have handled the situation better is not the same as an admission of negligence. It is important to clarify any misunderstandings that might have occurred in order to create a positive atmosphere in which to discuss any outstanding issues.

Serial or Persistent Complaints

If followed properly, the complaints procedure will limit the number of complaints that become protracted. However, there will 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 Governing Body is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

A serial or persistent complainant is not someone who raises legitimate concerns or criticism of a complaints procedure as it progresses, for example, with regards to timescales, nor are they someone who is unhappy with the outcome of a complaint and are seeking to challenge it.

For the purposes of this policy, a persistent complainant is someone whose behaviour is characterised by:

- Frequently complaining about a variety of different things, or the same issue through a number of different channels. While doing this, their actions are obsessive, persistent, harassing, prolific, and/or repetitive;
- Seeking unrealistic outcomes relative to the issue being raised. They state that their intention to persist until that outcome is achieved;
- Insisting upon pursuing valid complaints in an unreasonable manner;
- Persistently making the same complaint with minor differences but never accepts the outcome of any investigation into their complaint;
- Challenging a historical decision/action which cannot be changed;
- Contact with the Academy is often frequent, lengthy and complicated;
- Behaving aggressively and provocatively towards the Academy and individual members of staff;
- Using unusual methods of emphasis, such as multiple underlining's, putting words in capital letters, and using exclamation marks and inverted commas, as well as extensive use of marginal notes;
- Changing aspects of the complaint or the desired outcome part way through the investigation and/or after the investigation has been completed and a conclusion has been reached;
- Refusing to cooperate with the investigation process;
- Insisting on the complaint being dealt with in ways which are incompatible with the adopted procedure or with good practice;
- Making what appear to be groundless complaints about the staff dealing with the complaint, and seeking to have them replaced by someone more senior or with a person the complainant names;
- Refusing to accept information provided, for no justifiable reason;
- Making statements the complainant knows are not true or persuading others to do so;
- Supplying manufactured 'evidence' or other information the complainant knows is incorrect;
- Raising at a late stage in the process, significant information which was in the complainants possession when he or she first submitted a complaint;
- Raising a large number of detailed but unimportant questions and insisting that they are fully answered;
- Lodging a number of complaints in batches over a period of time, resulting in related complaints being at differing stages of the complaints procedure;

- Pressing for further investigation of matters that have already been addressed;
- Electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved;
- Pursuing a complaint or complaints with the authority and at the same time, with a MP/a councillor/police/solicitors/the ombudsman in the hope of getting a different response;
- Using obscene, racist, offensive or threatening language in written or verbal communications;
- Threatening or aggressive or abusive behaviour in direct personal contacts with staff;
- Using the vehicle of valid new complaints to resurrect issues which were included in previous complaints;
- Persistence in sending communications which demand responses, or making telephone calls seeking interview with staff, after the investigation into a complaint has been closed and all rights of review and appeal have been exhausted.

Dealing with Unreasonable Complaints

The Academy is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the Academy. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

Unreasonable complainants are defined by the Academy as *‘those who, because of the frequency or nature of their contacts with the Academy, hinder our consideration of their or other people’s complaints’*.

A complaint may be regarded as unreasonable when the person making the complaint:

- Refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- Refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- Refuses to accept that certain issues are not within the scope of a complaints procedure;
- Insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- Introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- Makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- Changes the basis of the complaint as the investigation proceeds;
- Repeatedly makes the same complaint (Despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- Refuses to accept the findings of the investigation into the complaint where the Academy’s complaint procedure has been fully and properly implemented and completed including referral to the Education and Skills Funding Agency
- Seeks an unrealistic outcome;
- Makes excessive demands on Academy time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:

- Maliciously;
- Aggressively;
- Using threats, intimidation or violence;
- Using abusive, offensive or discriminatory language;
- Knowing it to be false;
- Using falsified information;
- Publishing unacceptable information in a variety of media such as in social media, websites and newspapers.

Complainants should limit the numbers of communications with the Academy while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, e-mail or text) as it could delay the outcome being reached.

Whenever possible, the Principal or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the Principal or the Chair of Governors will write to the complainant explaining that their behaviour is unreasonable and either ask them to change this; or for those complainants who excessively contact the Academy – causing a significant level of disruption – the complaint will be closed.

In response to any serious incident of aggression or violence, appropriate actions will be taken separately, which may include banning an individual from the Academy premises.

Complaints of Teacher Capability

Complaints relating to teacher capability, which are received by the Academy, will be addressed by the Academy's Complaints Procedure. Due to the nature of the complaint, the Principal will assume the role of the Investigating Officer. Following the completion of the investigation, if it is necessary to undertake disciplinary or capability procedures against a member of staff, the complainant should be informed that the matter has now been referred to the appropriate procedure. Due to the confidential nature of these procedures, details will not be disclosed to the complainant.

Parental Complaints about students

The Academy takes seriously any complaint about another student's behaviour. Any complaints that are received from parents/carers about another student will be addressed by the Academy's Complaints Procedure.

If, after investigating the concerns raised, the Academy identifies instances of bullying (or similar behaviours), the published Behaviour policy will be followed.

If, after investigating the concerns raised, the Academy come to the conclusion that the original claims are unfounded, then it will meet with the complainant and work with them to help all involved move forward using a restorative process, to prevent further problems from arising in the future.

The Academy will always act in a neutral manner during these investigations, it will not be influenced by anyone in the way in which it chooses to respond to an incident.

Complaints from Parents of Children with Special Educational Needs (SEN)

Any complaints can be made directly to Miss Hornsby, SENCO or Mrs J Bridges, Principal. Any complaints that are received from parents/carers of children with SEN, will be addressed by the Academy's Complaints Procedure.

Complaints from Parents, about other parents

If the Academy receives a complaint from a Parent/Carer re. another Parent/Carer, and it is deemed to be school related then it will be addressed by the Academy's Complaints Procedures. If the complaint isn't school related then the Academy cannot be expected to resolve issues between parents/carers.

Disputes and issues between parents/carers can impact negatively on the students. The Academy's priority is to address the needs of the students, and their education must come first.

Time Limits

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

Part 2: The Formal Complaints Procedure

The Stages of Complaints

A flow chart of the three stages of complaint is in Appendix C. 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 after a meeting with the complainant.

The three stages are:

- **Stage 1: complaint heard by staff member or Complaints Officer:**

If the complainant is not satisfied with the initial response, they should make the Principal or her nominated representative aware of the complaint within 10 Academy days of the response. This should be in writing and recorded by the Academy Complaints Officer to ensure that everyone is very clear what the focus of the complaint is. If the complaint cannot be resolved within 5 Academy days of receipt of the complaint (at stage 1) the Principal or her nominated representative will set a target date for any investigation to be completed.

NOTE: If the complaint is about:

- i) A member of staff it is referred to the Principal to deal with the complaint
- ii) The Principal of the Academy – The Chair of Governors and Complaints Officer deal with the complaint

- **Stage 2: complaint heard by the Principal or her nominated representative;**

The target date should be no longer than 10 Academy days. The response to the complaint should be in writing and the complainant reminded how to proceed to the next step.

At this stage

- **Stage 3: complaint heard by the Governing Body's Complaints Appeal Panel (3 members); One which must be independent of the Management and the running of the Academy.**

If the complainant is not satisfied with the response at Stage 2, they should make the Chair of the Governing Body aware of the complaint within 10 Academy days of the response from the Principal or her nominated representative. This should be in writing and recorded by the Academy to ensure that everyone is very clear what the focus of the complaint is. Parents/carers will be invited to attend the panel hearing, if they wish, and may be accompanied by a friend or chosen representative.

The Full Governing Body should only be informed that a complaint is being heard – details should be withheld to ensure that the remaining members of the Governing Body are available should the outcome result in any action being taken under other procedures.

Complaints against the Principal will be investigated by the Chair of the Governing Body and the Complaints officer.

Complaints against a Governor will be investigated by the Chair of Governors or Vice Chair of Governors and the Complaints Officer.

In all cases, following the Governing Body Complaints Appeal Panel hearing all relevant parties; the complainant, Academy, Principal and where relevant, the person complained about, will be given a copy of any findings and recommendations.

This is the last stage of the complaints policy.

The complaints procedure in summary form is at Appendix B.

Part 3 – Managing and Recording Complaints

Recording Complaints

A complaint may be made in person, by telephone, or in writing. A proforma complaint form can be found in Appendix D. At the end of a meeting or telephone call, the member of staff 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 should be kept and a copy of any written response added to the record to the Complaints Officer.

The Complaints Officer is responsible for holding such records securely and confidentially. All correspondence, statements and records must be held confidentially but shown to HMI, if requested, during inspection.

Governing Body Review

The Governing Body monitors the level and nature of complaints and reviews the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. Complaints information shared with the whole Governing Body will not name individuals.

As well as addressing an individual's complaints, the process of listening to, and resolving, complaints will contribute to the Academy's 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 Governing Body is a useful tool in evaluating the Academy's performance.

Complaints Appeal Panel

The panel will be drawn from the Governing Body and will consist of three people one which must be independent of the management and running of the Academy (e.g. this will be a person that is external to the Academy, and is a governor themselves, not one of the Academy's own Governors). The panel choose their own Chairperson. 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; and
- recommend a review of the Academy's systems or procedures to ensure that problems of a similar nature do not recur.

There are several points, which any Governor or independent panel member sitting on the 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. Governor or independent panel member 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, the members need to be sensitive to the issues of race, gender and religious affiliation.
- 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 Academy 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/carers often feel emotional when discussing an issue that affects their child. The panel Chairperson 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. All disability requirements will be requested and where practicable, met. Parents/carers may be accompanied to the panel hearing if they so wish.
- d. Extra care needs to be taken when the complainant is a student. Careful consideration of the atmosphere and proceedings will ensure that the student does not feel intimidated. The panel needs to be aware of the views of the student and give them equal consideration to those of adults. Where the student's parent/carer is the

complainant, it would be helpful to give the parent/carer the opportunity to say which parts of the hearing, if any, the student needs to attend.

- e. The Governing Body members sitting on the complaints appeal panel need to be aware of the complaints procedure.

The Complaints Appeal Panel should be serviced by a clerk who 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;
- Respond to procedural questions from all parties;
- record the proceedings and safely archive all written records;
- notify all parties of the panel's decision and recommendation in writing; and
- ensure confidentiality of process and written materials.

The Chairperson of the Panel has a key role, to ensure that:

- the correct procedure has been followed;
- the clerk is notified to arrange a panel if a hearing is appropriate;
- 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/carers 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; and
- 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.

The Chairperson 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 deadline being 10 days for a response to be received. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

Further Recourse

Education and Skills Funding Agency

The decision of the Governors' Complaints Committee is final but under Section 496/497 of the Education Act 1996; complainants have the right of appeal to the Education and Skills Funding Agency on the grounds that:

- A Governing Body is acting or proposing to act unreasonably; or
 - The Governing Body has failed to discharge its duties under the Act.
- The Education and Skills Funding Agency would not take action until the school procedures have been completed.

For more information or to refer a complaint, see the following webpage:

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

Publicising the Procedure

There is a legal requirement, for the Complaints Policy and procedures to be publicised. The Academy's Governing Body have to decide how to fulfil this requirement by referring to the procedure in the:

- the prospectus;
- the Governing Body's report to parents;
- the information given to new parents when their children join the Academy;
- the information given to the children themselves;
- the home-school agreement;
- newsletters;
- documents supplied to community users including course information or letting agreements;
- the "How to make a complaint" leaflet which includes a form on which a complaint can be made;
- posters displayed in areas of the Academy that will be used by the public, such as reception; and
- the Academy website.

Appendix A

The Act

Section 157 of the Education Act 2002 requires in terms of independent school Standards, that:

Regulations shall prescribe standards about the manner in which independent schools handle complaints.

The Education (Independent School Standards) (England) Regulations 2003 which came into force on 1st September 2003 require in paragraph 6 that:

A school shall provide to parents of pupils and prospective Students on request to others, including the Chief Inspector and the Secretary of State, details of the complaints procedure set out in accordance with paragraph 7, and the number of complaints registered under the formal procedure during the preceding school year.

Appendix B

The Academy Complaints Procedure

Stage One: Complaint Heard by Staff Member

It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the Academy can be crucial in determining whether the complaint will escalate. To that end, if the staff are made aware of the procedure, they know what to do when they receive a complaint.

It would assist the procedure if the Academy respected the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the Complaints Officer can refer the complainant to another staff member.

NOTE: Where the complaint is about:

- i) A member of staff it is referred to the Principal to deal with the complaint
- ii) The Principal of the Academy – The Chair of Governors and Complaints Officer deal with the complaint

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the Complaints Officer may consider referring the complainant to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial.

Where the first approach is made to a Governing Body Member, the next step would be to refer the complainant to the appropriate person and advise them about the procedure. It would be useful if Governing Body Members did not unilaterally act on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

Stage Two: Complaint Heard by the Principal

The Principal's influence will already have shaped the way complaints are handled in the Academy. At this point, the complainant may be dissatisfied with the way the complaint was handled at stage one as well as pursuing their initial complaint. The Principal may delegate the task of collating the information to another staff member, but not the decision on the action to be taken.

If the complaint is about the Principal – The complaint will be investigated by the Chair of Governors and the Complaints Officer.

Stage Three: Complaint Heard by Governing Body Complaints Appeal Panel

The complainant needs to write to the Chair of the Governing Body, via The Clerk to the Governing Body, School & Governor Support, Durham County Council, County Hall, Durham, DH1 5UJ giving details of the complaint. The Chair, or a nominated Governing Body Member, will request the clerk to convene a Governing Body Complaints Appeal Panel none of whose members will have been directly involved in previous consideration of the complaint. One of the members of the panel must be independent of the management and running of the Academy (e.g. this will be a person that is external to the Academy, and is a governor themselves, not one of the Academy's own Governors).

The Complaints Appeal panel hearing is the last Academy based stage of the complaints process.

Individual complaints would not be heard by the Full Governing Body – details are withheld to ensure that the remaining members of the Governing Body are available should the outcome of the appeal panel hearing result in any action being taken under other procedures.

The Governing Body Members may nominate a number of members with delegated powers to hear complaints at stage 3, 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

The procedure adopted by the panel for hearing appeals would normally be part of the Academy's complaints procedure. The 3 member panel can be drawn from existing Governors, and one independent person. The panel may choose their own Chairperson.

The Remit of The Complaints Appeal Panel

The panel can:

- dismiss the complaint in whole or 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 Academy's systems or procedures to ensure that problems of a similar nature do not recur

There are several points which any Governing Body Member sitting on a complaints appeal 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 Governing Body Member 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, Governing Body Members need to try and ensure that it is a cross-section of the categories of Governors/independent panel member and they are sensitive to the issues of race, gender and religious affiliation.

- 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 Academy 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/carers often feel emotional when discussing an issue that affects their child, and may choose to be accompanied. 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 as informal and not adversarial.
- d. Extra care needs to be taken when the complainant is a student. Careful consideration of the atmosphere and proceedings will ensure that the student does not feel intimidated. The panel needs to be aware of the views of the student and give them equal considerations to those of adults. Where the student's parent/carer is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the student needs to attend.

Roles and Responsibilities

The Role of the Clerk

It is strongly recommended that any panel or group of Governing Body Members 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
- Respond to any procedural questions
- record the proceedings and safely archive all written records
- notify all parties of the panel's decision and recommendations in writing
- ensure confidentiality of process and written materials with the exception as stated in paragraph: 18

The Role of the Chair of the Governing Body – when considering a complaint

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

The Role of the Chairperson 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 key issues are addressed
- key findings of fact are made
- parents/carers 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 Chairperson of the panel needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response; within 10 days as publicised in the procedure. The decision is final and binding. A copy of the decision/outcome letter will be sent to all parties.

The letter will also explain further rights of appeal or recourse to the Secretary of State for Education.

Further Recourse

Education and Skills Funding Agency

The decision of the Governors' Complaints Committee is final but under section 496/497 of the Education Act 1996, complainants have the right of appeal to the Secretary of Education and Skills Funding Agency on the grounds that:

- A Governing Body is acting or proposing to act unreasonably; or
- The Governing Body has failed to discharge its duties under the Act.

The Education and Skills Funding Agency would not take action until the Academy procedures have been completed.

For more information or to refer a complaint, see the following webpage:

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

Check List 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
- The Principal may be requested to give an overview of actions so far* (*Optional to be agreed)
- after introductions the complainant is invited to explain their complaint, and be followed by their witnesses
- the Principal may question both the complainant and the witnesses after each has spoken
- the Principal is then invited to explain the Academy's actions and be followed by the Academy'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 Principal is then invited to sum up the Academy's actions and response to the complaint
- the complainant is then invited to sum up their complaint
- both parties leave together while the panel decided on the issues
- the Chair explains that both parties will hear from the panel within 10 Academy days
- the Governors decide on the response and the clerk produces the letter to be sent to the complainant, a copy of the letter is sent to all parties involved.
- the CVEA Governor complaints procedure checklist is completed and stored as a confidential document

How to make a complaint

We want to give parents/carers, students and the local community the best possible service, but we know that we can't get it right all of the time. This sheet explains what to do if things go wrong and you wish to complain.

1. Contact the member of staff or head of the department that has given you cause for concern or get in touch with the Complaints Officer at the Academy

It is in everyone's interest that complaints are resolved as quickly as possible. If you think that someone at the Academy has made a mistake or let standards slip, please contact the person responsible and they will try to sort out the problem straight away. If you do not know the person to contact, or would prefer to contact someone else to discuss your concern, ask for the Complaints Officer. You can:

- **visit** the Academy and ask to speak to the person concerned or the Complaints Officer.
- **phone 0191 5946330** and ask to speak to the person concerned or to the Complaints Officer
- **fax** the person concerned or the Complaints Officer on **0191 548 4417** with details of your complaint (please note that a number of staff and some students operate the fax machine, so this may not be the most confidential way to contact us)
- **e-mail enquiries@cvea.co.uk**. Your e-mail will either be dealt with by the Complaints Officer or forwarded to the person concerned
- **write** to the person concerned, or to the Complaints Officer, at:

**Castle View Enterprise Academy
Cartwright Road
Castletown
Sunderland
SR5 3DX**

If you have a concern about the Complaints Officer and would prefer not to speak to that person, ask to speak to another staff member (e.g. the Principal). If your complaint concerns a member of staff your concerns will be dealt with by the Principal of the Academy. If your complaint concerns the Principal, the Complaints Officer can refer you to the Chair of the Governing Body. You will need to put your complaint in writing to the Chair of the Governing Body.

2. If you are not satisfied, you can make an official complaint

If you have made a complaint but are unhappy with the way it has been dealt with or you are not happy with the outcome, you can make an official complaint to the Principal. You can contact the Principal using any of the methods described above. Your complaint will be investigated and you will be contacted within 10 Academy days with a response. If your complaint is complicated our investigations may take longer than 10 Academy days, but we will write to you and let you know when we will be able to give you a full response.

3. If you are still not satisfied, you can present your case to the Complaints Appeal Panel

When we have fully investigated your complaint, and if you are still not satisfied, you can contact the Chair of the Governing Body, via The Clerk to the Governing Body, School & Governor Support, Durham County Council, County Hall, Durham, DH1 5UJ, who will convene an independent Governing Body Complaints Appeal Panel hearing. You will have the opportunity to present your complaint to the panel. The panel will consider your complaint, the actions of the Academy and respond to your appeal. You will be advised of the outcome, in writing, within 10 Academy days of the hearing.

This stage completes the Academy complaints procedure.

4. Further Recourse

Contact: Education and Skills Funding Agency

The decision of the Governors' Complaints Appeal Panel hearing is final but under section 496/497 of the Education Act 1996, complainants have the right of appeal to the Secretary of Education and Skills Funding Agency on the grounds that:

- A Governing Body is acting or proposing to act unreasonably; or
- The Governing Body has failed to discharge its duties under the Act.

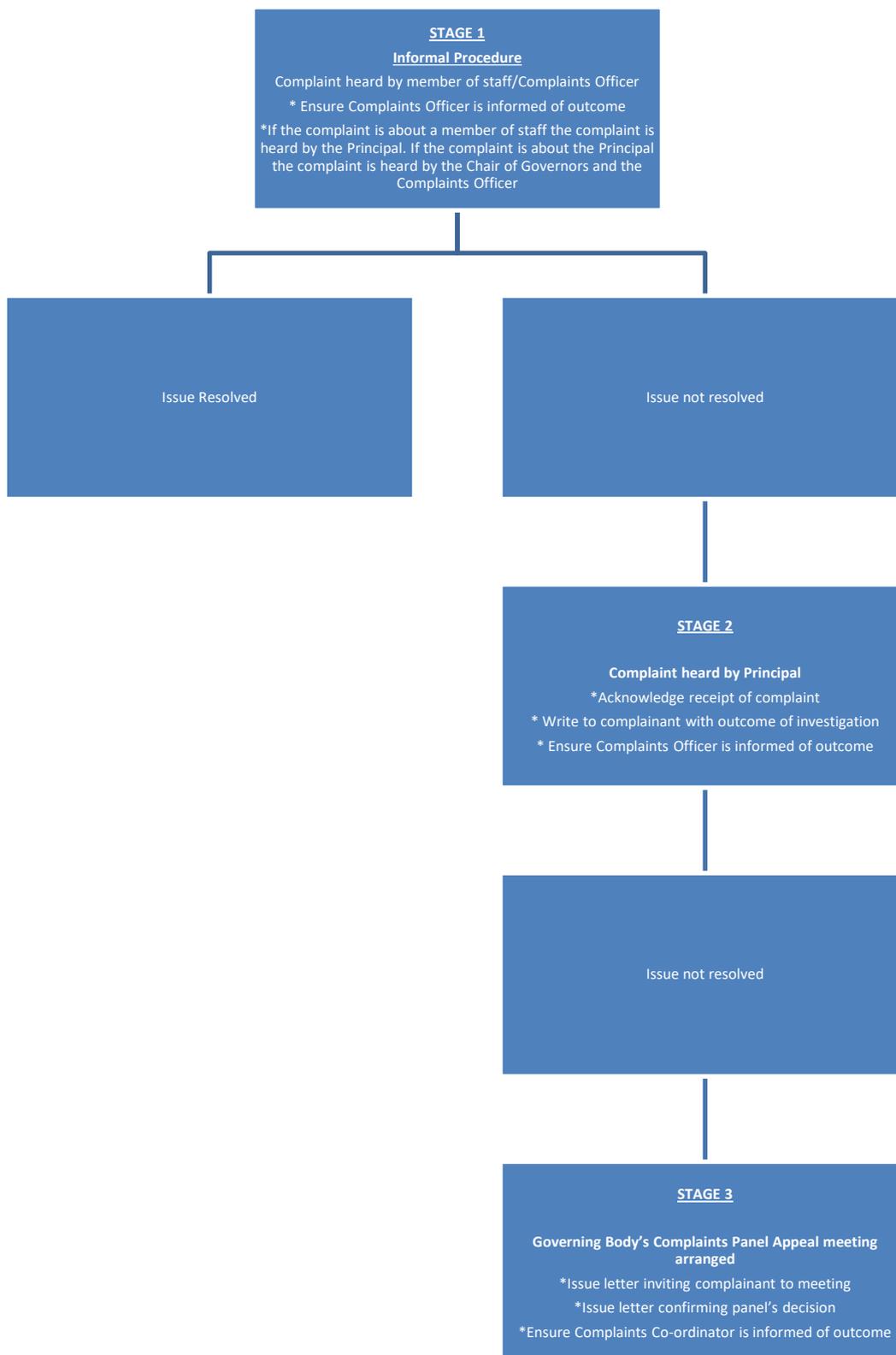
The Education and Skills Funding Agency would not take action until the school procedures have been completed.

For more information or to refer a complaint, see the following webpage:

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

Appendix D

Flowchart Summary of Dealing with Complaint



*Further Recourse – Contact Education Funding Agency

- A Governing Body is acting or proposing to act unreasonably; or
- The Governing Body has failed to discharge its duties under the Act.

The Education Funding Agency would not take action until the school procedures have been completed.

Appendix E

Castle View Enterprise Academy Complaint Form

Please complete and return to Complaints Officer (Castle View Enterprise Academy, Cartwright Road, Castletown, Sunderland. SR5 3DX. The Complaints Officer will acknowledge receipt and explain what action will be taken.

Your Name : _____

Student's name : _____
(if applicable)

Your relationship to the student : _____

Address : _____

_____ Post Code : _____

Day time telephone number : _____

Evening telephone number : _____

Please give details of your complaint (continue on a separate sheet if more space required)

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 Received | Date Acknowledged | By Whom |
| | | |
| Complaint referred to : | | |

Appendix F – Model/Template Letters

Response to spurious complaint

Dear

Following receipt of your communications and careful consideration of the same, I regret that I am unable to deal with this matter under the Academy's complaint procedure as:

(It will be appropriate to include SOME of the following statements)

- You have not identified any specific actions of which you might complain.
- Your concerns are presented as conclusions rather than specific actions of which you complain
- The concerns that you identify relate to historical actions and any evidence which might have enabled an objective investigation of your complaint is no longer available.
- The substance of your complaint has been addressed under this procedure already.
- The concerns that you raise do not fall within the scope of this procedure.
- You have not identified any potential sources of evidence which might allow the matter to be investigated.

If you wish my decision to be reviewed then you may take advantage of the procedure set out in the Academy's formal complaint procedure, by writing to the Chair of the Governing Body.

Yours sincerely

Mrs J Bridges
Principal

Acknowledgement of receipt of formal complaint and invitation to meet

Dear

I have received your formal complaint, dated I am grateful that you have brought this to my attention.

The Academy and Governing Body take any complaint most seriously. Therefore I would like to meet with you, as soon as possible, so that I may understand the details of your concerns more clearly. You are welcome to be accompanied to the meeting by a friend or family member, if you would find this helpful. Please telephone 0191 561 5533 and ask to speak to the PA to the Principal in order to arrange an appointment / I can offer you an appointment at On Please let me know if this is convenient.

I hope that we will be able to resolve your concerns through our meeting, but if not I will ensure that the appropriate investigation takes place. This should begin within five days of our meeting.

Yours sincerely

Mrs J Bridges
Principal

Acknowledgement of receipt of formal complaint referred by a third party (e.g. Local Authority, MP etc.)

Dear

I have received a copy of the documentation that you sent to Setting out a complaint about This has been passed to the Academy as it has responsibility for these matters.

The Academy and Governing Body take any complaint most seriously. Therefore I would like to meet with you, as soon as possible, so that I may understand the details of your concerns more clearly. You are welcome to be accompanied to the meeting by a friend or family member, if you would find this helpful. Please telephone 0191 561 5533 and ask to speak to the PA to the Principal in order to arrange an appointment / I can offer you an appointment at On Please let me know if this is convenient.

Meanwhile I would be grateful if you would complete and return the formal complaint form that is enclosed, along with the details of the Academy's complaints procedure.

I hope that we are able to resolve your concerns through our meeting, but if not I will ensure that the appropriate investigation takes place. This should begin within five days of our meeting.

Yours sincerely

Mrs J Bridges
Principal

Acknowledgement of receipt of formal complaint and advising complainant that the matter has been referred

Dear

I have received your formal complaint, dated I am grateful that you have brought this to my attention.

However, the matters that are of concern to you are the responsibility of the Governing Body/Local Authority/Enter relevant body name, so I have forwarded your documentation to You should be contacted, in the near future, to be advised of how they intend to proceed.

If I can be of any further assistance, please do let me know.

Yours sincerely

Mrs J Bridges
Principal

Acknowledgement of receipt of formal complaint (relating to staff conduct/capability or another student's behaviour) and advising complainant that the matter is being dealt with under the complaints procedure

Dear

I have received your formal complaint, dated I am grateful that you have brought this to my attention.

The Academy and the Governing Body take any complaint most seriously. Therefore I have initiated an immediate investigation. It is possible that the investigating officer will wish to meet with you to clarify the evidence that you have provided so far. If so, he/she will write to you to make suitable arrangements.

As your concerns relate to the conduct/capability of a member of staff/the behaviour or actions of a student, the investigation will be carried out under the Academy's complaints procedures. This means that the detail of the procedure and its outcome must remain confidential to the Academy and member of staff/parents or carer's of the student concerned.

In due course, I may be able to provide you with some information about the outcomes of the investigation and the processes that have been followed, but in any event will let you know when the matter has been concluded.

If I can be of any further assistance, please do let me know.

Yours sincerely

Mrs J Bridges
Principal

Notification of decision regarding formal complaint

Dear

Following receipt of your complaint and careful consideration of all the available relevant evidence, I/the panel have/has concluded that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld. If you are able to provide additional evidence forthwith I/we will reconsider this decision.

OR

- The concern is not substantiated by the evidence in that

OR

- The concern was substantiated in part/in full, as The Academy will review its practices/procedures With the intention of avoiding any reoccurrence. Parents/Carers will be informed in due course of any policy changes.

OR

- In order to address fully the matters investigated, the Academy has initiated appropriate internal procedures. Due to the nature of these procedures, their outcome must remain strictly confidential. We are confident, however, that the circumstances that gave rise to your complaint should not recur.

OR

- In order to address fully the matters of concern that you identified, the panel recommended that the Governing Body should review its Policy, as a matter of urgency. We are confident that this should prevent similar concerns arising in the future.

I hope that we may now put this matter behind us and work together for the benefit of your child's progress.

Yours sincerely

Mrs J Bridges / Mrs H Mottram
Principal / Chair of Governors

Notification of decision regarding formal complaint

Dear

Following receipt of your complaint and careful consideration of all the available relevant evidence, I/the panel have/has concluded that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld. If you are able to provide additional evidence forthwith I/we will reconsider this decision.

OR

- The concern is not substantiated by the evidence in that

OR

- The concern was substantiated in part/in full, as The Academy will review its practices/procedures With the intention of avoiding any reoccurrence. Parents/Carers will be informed in due course of any policy changes.

OR

- In order to address fully the matters investigated, the Academy has initiated appropriate internal procedures. Due to the nature of these procedures, their outcome must remain strictly confidential. We are confident, however, that the circumstances that gave rise to your complaint should not recur.

OR

- In order to address fully the matters of concern that you identified, the panel recommended that the Governing Body should review its Policy, as a matter of urgency. We are confident that this should prevent similar concerns arising in the future.

I hope that we may now put this matter behind us and work together for the benefit of your child's progress.

Yours sincerely

Mrs J Bridges / Mrs H Mottram
Principal / Chair of Governors

Review outcome notification

Dear

Having carefully considered your representations in the context of the relevant evidence, the Governing Body Complaints Review Panel has concluded that the Academy followed the relevant procedure appropriately in respect of your complaint.

Summary of reasons.....

Therefore, the matter is now closed as far as the Academy is concerned.

OR

Having carefully considered your representations in the context of the relevant evidence, the Governing Body Complaints Review panel has concluded that the Academy followed the relevant procedure appropriately in respect of your complaint except

Therefore, the following action will be taken

Once this action has been completed the Academy will consider the matter to be closed.

OR

Having carefully considered your representations in the context of the relevant evidence, the Governing Body Complaints Review Panel has concluded that the Academy followed the relevant procedure appropriately in respect of your complaint except

However the panel determined that this procedural failure did not affect the outcome of the consideration of your complaint so, while we regret this error, we will now consider this matter to be closed as far as the Academy is concerned.

Yours sincerely

Mrs J Bridges / Mrs H Mottram
Principal / Chair of Governors