



# Complaints Procedure

Policy/Procedure creator: Senior Management Team

Policy/Procedure created/reviewed: 01/02/2022

Centre Name	MEPA Academy
Centre Number	61710
Date policy first created	01/09/2021
Current policy reviewed by	Kate Williams
Current policy approved by	Mandy Ellen
Date of next review	01.09.2023

## Key staff involved in the policy

Role	Name
Exams officer	Kate Williams
ALS lead/SENCo	Claire Ross
Senior leader(s)	Mandy Ellen and Emma Finch
Head of centre	Mandy Ellen
Other staff (if applicable)	Not Applicable

This policy is reviewed and updated annually to ensure that access arrangements process at MEPA Academy is managed in accordance with current requirements and regulations.

## Introduction

**Our aim is to ensure that concerns are dealt with quickly and effectively. We expect that most concerns can be resolved informally.**

### The difference between a concern and a complaint

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

It is in everyone's interest that concerns, and complaints are resolved at the earliest possible stage. Many issues can be resolved informally without the need to use the formal stages of this procedure. However, we understand that there are occasions when people would like to raise their concerns formally and, in which case, the school will attempt to resolve the issue through the stages outlined within this complaint's procedure.

For ease of use, a template complaint form is included at the end of this procedure. If you require help in completing the form, please contact the Senior Management Team (SMT). You can also ask a third-party organisation for example like the Citizens Advice to help you.

### Which procedure do I need?

Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure. The following list details specific topics of complaints and the correct policy to refer to. You can access these policies on the school website or ask for a copy from the school reception.

- **Pupil admissions**; please see the school's admission arrangements.
- **Pupil exclusions**; please see the school's Behaviour Policy
- **Staff conduct, grievance, capability or disciplinary**; these are covered by the school's policies.  
*Note: Complaints about staff conduct will not generally be handled under this complaint's procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.*
- **Anonymous** complaints – we will not normally investigate anonymous complaints. However, the Principal / proprietor or SMT, if appropriate, will determine whether the complaint warrants an investigation please refer to the Whistleblowing Policy.
- **Subject Access Requests and Freedom of Information Requests** – please see the school's Data Protection document.
- **Safeguarding**: Where a complaint indicates that a child's wellbeing or safety is at risk, the school is under a duty to take reasonable action to ensure the safeguarding of our students.

### Time scales

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

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this

procedure or result in the procedure being suspended until those public bodies have completed their investigations. If this happens, we will inform you of a proposed new timescale.

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

### **Complaints received outside of term time**

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

### **Resolving complaints**

At each stage in the procedure, if appropriate, we will acknowledge whether the complaint is upheld either in whole or in part. In addition, we may offer one or more of the following:

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

### **Withdrawal of a complaint**

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

### **Social Media**

In order for complaints to be resolved as quickly and fairly as possible, the school requests the complainants do not discuss complaints publicly via social media such as Facebook, Instagram and Twitter. Complaints will be dealt with confidentially for those involved, and we expect complainants to observe confidentiality also.

### **Complaints from parents of pupils with special educational needs concerning the provision made at the school**

The normal arrangements for the treatment of complaints are used for complaints about provision made for special educational needs. We encourage parents to discuss their concerns with the class teacher in the first instance before discussing with the SENCO. If the concern continues without resolution the complaint can be passed onto the relevant member of the Senior Management Team. If all these attempts to resolve the complaint, then the Deputy Head can be contacted to resolve the issue before making the complaint formal to the Principal.

If the complaint is not resolved after it has been considered by the Principal, then a disagreement resolution service or mediation service can be contracted. If it remains unresolved after this, the complainant can appeal to the First-tier Tribunal (Special Educational Needs and Disability), if the case refers to disability discrimination, or to the Secretary of State for all other cases.

There are some circumstances, usually for children who have an Education Health and Care Plan where there is a statutory right for parents to appeal against a decision of the Local Authority. Complaints which fall within this category cannot be investigated by the school.

### **Stage 1 – Informal investigation of concerns and difficulties (this is not treated as a formal complaint)**

It is hoped that most concerns can be resolved on an informal basis. However, where it is felt concerns raised with form tutors or subject heads have not been addressed, or needs further investigation, an

informal complaint can be raised by contacting a member of the senior management team and explaining in writing:

- an overview of the concern so far
- who has been involved
- why the concern remains unresolved
- action to be taken to put things right

At the conclusion of their investigation, the appropriate person investigating the concern will provide an informal response within 10 school days of the date of the concern being raised. If the issue remains unresolved, the complainant may be to proceed to Stage 2 of this procedure and launch a formal complaint.

### **Stage 2 – Formal complaints**

Formal complaints must be made to the Deputy Head (unless they are about the Deputy Head), via the school office. This should be done in writing preferably using the attached Complaint Form.

The Deputy Head will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within five (5) school days. Within this response, the Deputy Head will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see.

The Deputy Head may decide to have a meeting with the complainant (and where relevant, the subject of the complaint) if they feel this is the most appropriate way of doing this.

*Note: The Deputy Head may delegate all or part of the investigation to another member of the school's senior management team but note the decision to be taken.*

During the investigation, the Deputy Head (or investigator) will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- keep a written record of any meetings/interviews in relation to their investigation.

After considering the available evidence, the Deputy Head can:

- Uphold the complaint and direct that certain action be taken to resolve it
- Reject the complaint and provide the complainant with details of the stage 3 process
- Uphold the complaint in part: in other words, may find one aspect of the complaint to be valid, but not another aspect. They may direct for certain action to be taken to resolve the aspect that they find in favour of the complainant

The Deputy Head will provide a formal written response within 15 school days of the date of receipt of the complaint. If the Deputy Head is unable to meet this deadline, they will provide the complainant with an update and revised response date.

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

The Deputy Head will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

If the complaint is about the Deputy Head, the Principal will complete all the actions at Stage 2 with any appeal going straight to Stage 4 Panel Hearing

### **Stage 3 – Formal Complaint heard by the Principal / Proprietor**

Where the complainant has been through the earlier stages of this procedure and remains dissatisfied, they should write to the Principal / Proprietor within five working days of receiving the Stage 2 decision stating they wish to appeal to the Principal / Proprietor (either through email or via school reception in an envelope marked private and confidential), why they disagree with the decision and what outcome they would like to see. Copies of all relevant documents should also be attached. The Principal / Proprietor will acknowledge this request in writing within five working days. Every effort will be made to resolve the matter within 15 working days of the receipt of the appeal request. The Principal / Proprietor may decide to have a meeting with the complainant (and where relevant, the subject of the complaint) if they feel it would be appropriate for the investigation. The Principal / Proprietor may also request additional information from the complainant and to others who have knowledge of the circumstances.

After considering the available evidence, the Principal / Proprietor can:

- Uphold the complaint and direct that certain action be taken to resolve it
- Reject the complaint and provide the complainant with details of the stage 4 process
- Uphold the complaint in part: in other words, may find one aspect of the complaint to be valid, but not another aspect. They may direct for certain action to be taken to resolve the aspect that they find in favour of the complainant

The Principal / Proprietor will aim to respond to the complainant within 15 working days explaining how they came to the decision, detail any agreed action as a result of the complaint and provide details of how to progress the complaint to stage 4 if they are not satisfied.

### **Stage 4 - Panel Hearing**

If the complaint remains unresolved following the outcome at Stage 3 and the complainant wishes to take the matter further, they can escalate the complaint. At Stage 4 a panel hearing takes place.

The panel will consist of at least three people who were not directly involved in the matters detailed in the complaint with one panel member who is independent of the management and running of the school. This is the final stage of the complaints procedure.

A request to escalate to Stage 4 must be made to the school, via the school office, within 5 school days of receipt of the previous stage response. In an envelope for the principal / proprietor marked private / confidential.

The Principal / Proprietor will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days and request copies of any further written material to be submitted to the committee.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

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

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

A complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate.

For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

The panel may make findings / recommendations and will make sure they are:

provided to the complainant and, where relevant, the person complained about; and available for inspection on the school premises by the principal / proprietor

A written record will be kept of all complaints that are made;

a) whether they are resolved following a formal procedure, or proceed to a panel hearing; and

B) action taken by the school as a result of those complaints (regardless of whether they are upheld)

C) provides that correspondence, statements and records relating to individual complaints are kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

### **Vexatious complaints**

Where a complainant raises an issue that has already been dealt with via the school's complaints procedure, and that procedure has been exhausted, the school will not reinvestigate the complaint

If a complainant persists in raising the same issue, the Principal / Proprietor will write to them explaining that the matter has been dealt with fully in line with the school complaints procedure, and therefore the case is now closed.

Unreasonable complaints include the following scenarios:

- The complainant refuses to co-operate with the school's relevant procedures.
- The complainant changes the basis of the complaint as the complaint progresses.
- The complainant seeks an unrealistic outcome
- Excessive demands are made on the time of staff and it is clearly intended to aggravate.
- The complainant acts in a way that is abusive or offensive.

## Roles and Responsibilities

### Complainant

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the school in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality.

### Investigator

**(this could be the Principal, Deputy Head, Senior Management Team or other staff member providing administrative support)**

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent, and fair consideration of the complaint through:
  - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
  - interviewing staff and children/young people and other people relevant to the complaint
  - consideration of records and other relevant information
  - analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the head teacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.
- The head teacher or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

**MEPA Academy - Formal Complaints Form**

<b>Name</b>	
<b>School, name of pupil, year group and your relationship to them (where applicable)</b>	
<b>Contact address</b>	
<b>Contact telephone</b>	
<b>Contact email address</b>	
<b>Details of the complaint</b>	

**Action taken so far (including staff member who has dealt with it so far) or solutions offered**

**The reason that this was not a satisfactory resolution for you**

**What action would you like to be taken to resolve the problem?**

Signed:Date:

*Official use*

Date received:

Signed: