



Churchdown Village Infant School  
Promoting Lifelong Learning

## Churchdown Village Infant Academy Complaints Procedure

### General Principles:

- o This procedure is intended to allow you to raise a concern or complaint relating to the academy, or the services that it provides.
- o An anonymous concern or complaint will not be investigated under this procedure, unless there are exceptional circumstances.
- o To enable a proper investigation, concerns or complaints should be brought to the attention of the academy as soon as possible. In general, any matter raised more than 3 months after the event, being complained of, will not be considered.

### Raising a concern or complaint

#### 1) Informal Stage

It is normally appropriate to communicate directly with the member of staff concerned. This may be by letter, by telephone or in person by appointment, requested via the academy office. Many concerns can be resolved by simple clarification or the provision of information and it is anticipated that most complaints will be resolved by this informal stage.

In the case of serious concerns it may be appropriate to address them directly to the Head Teacher (or to the Chair of the governing body, if the complaint is about the Head Teacher).

If you are uncertain about who to contact, please seek advice from the academy office or the Clerk to the governing body.

#### 2) Formal Stage

If your concern or complaint is not resolved at the informal stage you may choose to put the complaint in writing and pass it to the Head Teacher, who will be responsible for ensuring that it is investigated appropriately. If the complaint is about the Head Teacher, your complaint should be passed to the Clerk to the governing body, for the attention of the Chair of the governing body.

A Complaint Form is provided to assist you.

You should include details which might assist the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents.

Please pass the completed form, in a sealed envelope to the academy office. The envelope should be addressed to the Head Teacher, or to the Clerk to the governing body, as appropriate.

### **3) Panel Hearing**

If the complaint progresses to the final panel hearing stage the academy must:

1. Allow the parent/s to attend and be accompanied if they wish
2. Ensure at least one member of the panel is independent of the management and running of the academy.

The panel cannot be made up solely of governing body members as they are not independent of the academy. It is a matter for the academy to identify suitable independent individuals who can fulfil the role and responsibility of being the independent member. Parents will be given reasonable notice of the panel hearing date.

It is possible that your complaint will be resolved through a meeting with the Head Teacher (or Chair). If not, arrangements will be made for the matter to be fully investigated, using the appropriate procedure. In any case you should learn in writing, usually within 5 days of the academy receiving your formal complaint, of how the academy intends to proceed. This notification should include an indication of the anticipated timescale.

If you are not satisfied with the manner in which the process has been followed, you may request that the governing body reviews the process followed by the academy, in handling the complaint. Any such request must be made in writing to the clerk to the governing body, within 10 academy days of receiving notice of the outcome, and include a statement specifying any perceived failures to follow the procedure. The procedure described below will be followed. A Review Request form is provided for your convenience.

When the academy's procedures have been completed the complainant will be informed that the matter of their complaint has been dealt with and is now closed as far as the academy is concerned. They will be provided with as much additional information as is possible in the circumstances, while respecting any right to confidentiality of third parties.

Written responses to the complaints will be provided where appropriate and if requested.

### **Vexatious Complainants**

It is clear from the information provided by our members that the vast majority of complaints are resolved by informal contact. Problems arise where the complainants are unreasonable and are not seeking to have a situation remedied but instead are determined to extract retribution for some real or imagined wrong.

It is these latter circumstances that can lead an academy, which is acting very reasonably, to be drawn into an interminable saga with letters flying back and forth with each reply demanding more and more answers to more and more questions. Often an attempt to clarify the situation will trigger a multitude of questions, none of the possible answers to which serve any constructive purpose. It is these vexatious complainants from which academies need protection.

A model letter for use in such circumstances is included in annex 4.

The policy statement in annex 6 may also be helpful in these circumstances.

## **Review Process**

Any review of the process followed by the academy will be conducted by a panel of 3 members of the governing body. This will usually take place within 10 academy days of receipt of your request.

The review will normally be conducted through a consideration of written submissions, but reasonable requests to make oral representations should be considered sympathetically.

## **Legal Framework**

Section 409 of the 1996 Education Act allows a Local Authority to make arrangements for the consideration or disposal of any complaint about the unreasonable action of the LA or of a Governing Body in relation to a statutory duty or power. This would include Admissions, the provision of an appropriate curriculum, SEN, and Exclusions Appeals. Complaints of a more general nature fall outside the remit of this section.

The section 29 of the 2002 Education Act requires governing bodies to establish procedures for dealing with all complaints relating to the academy or the provision of facilities or services, **other than** "complaints which fall to be dealt with in accordance with procedures required to be established by other statutory provision", and to publicise these procedures.

While the majority of complaints received by academies are properly dealt with by other procedures, it is still necessary for academies to have a "general" procedure for the minority of complaints that are not covered by other statutory procedures.

Section 496 of the 1996 Act allows a person to complain to the Secretary of State that a Governing Body (or LA) has acted, or is proposing to act, unreasonably with respect to any power conferred or duty imposed by that Act. Such a complaint is unlikely to be successful where a academy can show that it has acted reasonably in seeking to resolve a complaint and has used a "fair" procedure.

## Selecting the most appropriate procedure

Any approach may have the potential to develop into a complaint. For that reason it is very important to follow the appropriate procedure from the outset, so that the interests of the individuals may be safeguarded and in order to seek to identify a resolution as quickly as possible.

Therefore academies should have clear procedures for receiving enquiries and complaints and an effective mechanism for "triage", so that they are directed to the appropriate person(s) for resolution.

**Contact/Complaints Triage Table**

<b>Nature of Contact</b>	<b>Appropriate person to receive contact</b>	<b>Relevant Policy/Procedure</b>
Request for published information	Academy Office	FOi Act Charging Policy
Request for personal pupil information	Head Teacher or Senior member of staff	DPA Charging Policy
Complaint about GB policy (content or application of)	Clerk/Chair	General Complaints Procedure
Concern about provision of facilities or services by the	Head Teacher Chair	General Complaints Procedure
Allegation about conduct of a member of staff	Head Teacher or Chair (if allegation against head)	Academy Staff Discipline Procedure (Confidential to Academy and Employee)
Allegation of verbal or physical assault by employee on pupil	Head Teacher or Child Protection coordinator or Chair (if allegation against head)	Local Child Protection Procedures (Confidential to academy, LA CPO and parents of alleged victim)
Allegation about capability of a member of staff	Head Teacher or Chair (if allegation against head)	Academy Staff Competence Procedure (Confidential to Academy)
Conduct of another pupil (e.g. bullying)	Head Teacher or Senior member of staff	Academy behaviour and discipline procedures (Confidential to Academy and parents)
Discipline of a pupil	Head Teacher or Senior member of staff	Academy behaviour and discipline procedures

		and parents of pupil)
Content of /Failure to maintain a statement of SEN	Head Teacher /SENCO LA	LA procedures
Admissions	Chair/Clerk (FoundationNA) LA (CommunityNC)	Admissions Procedure Admissions Appeal Procedure
Exclusion	Chair/Clerk (FoundationNA) LA (CommunityNC)	Exclusion Appeal Procedure
Failure to provide NC Entitlement or Inappropriate Curriculum	Head Teacher Clerk to GB LA	LA Procedure
Extended Services	Manager of relevant service	Procedures of Service Provider
Decision to remove licence for a person to enter academy premises (banning)	Clerk to GB/Chair	GB Appeal Committee

**Churchdown Village Infant Academy: Meeting Request Form**

I wish to meet ..... to discuss the following matter:

Brief details of topic to be discussed:

Dates/times when it would be most convenient for a meeting:

Your name:  
Relationship with academy (e.g. parent of a pupil on the academy)  
Pupil's name (if relevant to the matter to be discussed)  
Your Address:  
  
Telephone numbers  
Daytime: Evening:  
e-mail address:

**Signed** .....

**Date** .....

Please complete this form and return it to the academy office

Academy use:

Date Form received:

Date response sent:

Received by:

Response sent by:

## Churchdown Village Infant Academy Formal Complaint Form

Please complete this form and return it, via the academy office, to the Head Teacher (or Clerk to the governing body), who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name:

Relationship with academy (e.g. parent of a pupil on the academy)

Pupil's name (if relevant to your complaint):

Your Address:

Telephone numbers

Daytime:

Evening:

e-mail address:

Please give concise details of your complaint, (including dates, names of witnesses etc...), to allow the matter to be fully investigated.:

You may continue on separate paper, or attach additional documents, if you wish.  
Number of Additional pages attached =

What action, if any, have you already taken to try to resolve your complaint? (i.e. who have you spoken with or written to and what was the outcome?)

What actions do you feel might resolve the problem at this stage?

Signature:

Date:

Academy use:

Date Form received:

Received by:

Date acknowledgement sent:

Acknowledgement sent by:

Complaint referred to:

Date:



## Churchdown Village Infant Academy Complaint Review Request Form

Please complete this form and return it to Head Teacher (or Clerk to the governing body), who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name:

Your address:

Telephone numbers

Daytime:

Evening:

Email address:

Dear sir,

I submitted a complaint to the academy on ..... and am dissatisfied by the procedure that has been followed.

My complaint was submitted to ..... and I received a response from .....on the .....

I have attached copies of my formal complaint and of the response(s) from the academy.

I am dissatisfied by the way the procedure was carried out, because:

You may continue on separate paper, or attach additional documents, if you wish.

Number of Additional pages attached

What actions do you feel might resolve the problem at this stage?

Signature:

Date:

Academy use

Date Form received:

Received by:

Date acknowledgement sent:

Acknowledgement sent by:

## Annex 4: Model Letters

### a) Response to spurious complainant

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 Governing Body's Complaints Procedure as:

*[It will be appropriate to include SOME of the following statements]*

- o You have not identified any specific actions of which you might complain
- o Your concerns are presented as conclusions rather than specific actions of which you complain.
- o 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.
- o The substance of your complaint has been addressed under this procedure already.
- o The concerns that you raise do not fall within the scope of this procedure.
- o 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 Clerk to the Governing Body.

Yours sincerely,

Head Teacher  
or Chair of Governing Body

**b) 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, if you would find this helpful. Please telephone ....., 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 5 days of our meeting.

Yours sincerely,

Head Teacher  
Or Chair of Governing Body

**c) Acknowledgement of receipt of formal complaint referred by a third party  
[e.g. LA, Diocese, MP]**

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, if you would find this helpful. Please telephone ....., 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 details of the academy's complaints procedure.

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 5 days of our meeting.

Yours sincerely,

Head Teacher  
Or Chair of Governing Body

**d) Acknowledgements 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/Pupil Discipline Committee/LA/Diocese/service provider, 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,

Head Teacher