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COMPLAINTS POLICY

Author:
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Executive Principal
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Our Academy Vision is “Living Well Together with Dignity, Faith and Hope”. We aspire to take dignified decisions and afford dignity to all members of our community, regardless of background or circumstance. Our position as a Voluntary Aided Church Academy means that the Christian faith has a central role in all of our actions and decisions. We strive for excellence in all that we do, enabling our students to transform their lives and to hope for happy and successful futures.

At All Saints Academy, our vision is “Living Well Together with Dignity, Faith and Hope and this translates into our everyday practice. Our Academy aims to treat all its staff, pupils and parents fairly and with respect. We live out our vision of ‘Living Well Together’ by trying to resolve all concerns quickly and objectively, in the hope that there will be no need to go through a formal complaints process.

Introduction

All Saints Academy Dunstable is committed to providing a first class education for its students and to working closely with parents/carers and other stakeholders in a spirit of partnership. We hope to be able to resolve any conflict with parents/carers without recourse to formal procedures but recognise that parents/carers and other stakeholders have the right to make formal complaints and to have these complaints taken seriously.

Purposes

- To encourage resolution of problems by informal means wherever possible
- To have a simple complaints procedure that is easily accessible
- To establish a system where complaints are examined in an impartial manner
- To be non-adversarial
- To allow swift handling of complaints with established time-limits for action, keeping people informed of the progress
- To ensure a full and fair investigation by an independent person where necessary
- To respect people’s desire for confidentiality
- To address all the points at issue and provide an effective response and appropriate redress, where necessary
- To provide information to the Senior Leadership Team and Governing Body so that services can be improved where required

1. Aims

Our Academy aims to meet its statutory obligations when responding to complaints from parents of pupils at the Academy, and others.

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect complainants' desire for confidentiality
- Treat complainants with respect and courtesy
- Ensure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into Academy improvement evaluation processes

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

The Academy will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will ensure we publicise the existence of this policy and make it available on the Academy website.

Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

2. Legislation and guidance

This document meets the requirements of section 29 of the [Education Act 2002](#), which states that Academies must have and make available a procedure to deal with all complaints relating to their Academy and to any community facilities or services that the Academy provides.

It is also based on [guidance for Academies on complaints procedures](#) from the Department for Education (DfE), including the model procedure, and model procedure for dealing with unreasonable complaints.

This document meets the requirements set out in part 7 of the schedule to [the Education \(Independent Academy Standards\) Regulations 2014](#), which states

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that we must have and make available a written procedure to deal with complaints from parents of pupils at the Academy.

It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on [creating a complaints procedure that complies with the above regulations](#), and refers to [good practice guidance on setting up complaints procedures](#) from the Department for Education (DfE).

This policy complies with our Funding Agreement and Articles of Association.

3. Definitions and scope

3.1 Definitions

The DfE guidance explains the difference between a concern and a complaint:

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

3.2 Scope

The Academy intends to resolve complaints informally where possible, at the earliest possible stage.

There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

This policy does **not** cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline

Please see our separate policies for procedures relating to these types of complaint.

Arrangements for handling complaints from parents of children with special educational needs (SEN) about the Academy’s support are within the scope of this policy. Such complaints should first be made to the special educational needs co-ordinator (SENCO); they will then be referred to this complaints policy. Our SEN policy and information report includes information about the rights of parents of pupils with disabilities who believe that our Academy has discriminated against their child.

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Complaints about services provided by other providers who use Academy premises or facilities should be directed to the provider concerned.

4. Roles and responsibilities

4.1 The complainant

The complainant will get a more effective and timely response to their complaint if they:

- Follow these procedures
- Co-operate with the Academy throughout the process, and respond to deadlines and communication promptly
- Ask for assistance as needed
- Treat all those involved with respect
- Not publish details about the complaint on social media

4.2 The investigator

An individual will be appointed to look into the complaint and establish the facts. They will:

- Interview all relevant parties, keeping notes
- Consider records and any written evidence and keep these securely
- Prepare a comprehensive report to the Executive Principal or complaints committee which includes the facts and potential solutions

4.3 Clerk to the governing board

The clerk will:

- Be the contact point for the complainant and the complaints committee, including circulating the relevant papers and evidence before complaints committee meetings
- Arrange the complaints hearing
- Record and circulate the minutes and outcome of the hearing

4.4 Committee chair

The committee chair will:

- Chair the meeting, ensuring that everyone is treated with respect throughout
- Make sure all parties see the relevant information, understand the purpose of the committee, and are allowed to present their case

5. Principles for investigation

When investigating a complaint, we will try to clarify:

- What has happened

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- Who was involved
- What the complainant feels would put things right

5.1 Time scales

The complainant must raise the complaint within 3 months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident.

We will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

When complaints are made out of term time, we will consider them to have been received on the first working day after the holiday period.

If at any point we cannot meet the time scales we have set out in this policy, we will:

- Set new time limits with the complainant
- Send the complainant details of the new deadline and explain the delay

s and carers of children attending the setting on a regular basis.

6. Stages of complaint (not complaints against the Executive Principal or governors)

6.1 Stage 1: Informal

The Academy will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

The complainant should raise the complaint as soon as possible with the relevant member of staff or the Executive Principal, either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact the Academy office: office@asadunstable.org or 01582 619700.

An acknowledgement of the complaint will be given in writing within 5 working days of its receipt. The acknowledgement will give a brief explanation of Stage 1 of the Academy's complaints procedure and will give a target date for providing a response, which should normally be within 10 working days. If this target cannot be met, the complainant will be informed in writing within 10 working days and will be provided with an explanation as to the reason for the delay and a revised target date given. A record of this should be kept.

The informal stage will involve a meeting between the complainant and a designated senior member of staff.

If the complaint is not resolved informally, it will be escalated to a formal complaint.

6.2 Stage 2: Formal

The formal stage involves the complainant putting the complaint to the Executive Principal and/or the subject of the complaint:

- In a letter or email
- Over the phone
- In person
- Through a third party acting on their behalf

The complainant should provide details such as relevant dates, times and the names of witnesses of events, alongside copies of any relevant documents. The complainant should also state what they feel would resolve the complaint.

If complainants need assistance raising a formal complaint, they can contact the Academy office office@asadunstable.org or 01582 619700.

The Executive Principal (or other person appointed by the Executive Principal for this purpose) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within 10 working days.

If the complainant is not satisfied with the response and wishes to proceed to the next stage of this procedure, they should inform the clerk to the governing board in writing within 25 working days.

6.3 Stage 3: Review Panel

Complaints will be escalated to the panel hearing stage if the complainant is not satisfied with the response to the complaint at the second, formal, stage.

The panel will be appointed by or on behalf of the proprietor and must consist of at least 3 people who were not directly involved in the matters detailed in the complaint. At least one panel member must be independent of the management and running of the Academy. The panel cannot be made up solely of governing board members, as they are not independent of the management and running of the Academy.

The panel will have access to the existing record of the complaint’s progress (see section 10).

The complainant must have reasonable notice of the date of the review panel; however, the review panel reserves the right to convene at their convenience rather than that of the complainant. At the review panel meeting, the complainant and representatives from the Academy, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant must be allowed to attend the panel hearing and be accompanied if they wish.

At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called, as appropriate, to present their evidence.

The panel, the complainant and the Academy representative(s) will be given the chance to ask and reply to questions. Once the complainant and Academy representative(s) have presented their cases, they will be asked to leave and evidence will then be considered.

The panel will then put together its findings and recommendations from the case. The panel will also provide copies of the minutes of the hearing and the findings and recommendations to the complainant and, where relevant, the individual who is the

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subject of the complaint, and make a copy available for inspection by the proprietor and Executive Principal.

The Academy will inform those involved of the decision in writing within 20 working days.

7. Complaints against the Executive Principal, a governor or the governing board

7.1 Stage 1: Informal

Complaints made against the Executive Principal, or any member of the governing board should be directed to the clerk to the governing board in the first instance. If the complaint is about the Executive Principal or one member of the governing board (including the chair or vice-chair), a suitably skilled and impartial governor will carry out the steps at stage 1 (set out in section 6 above).

7.2 Stage 2: Formal

If the complaint is jointly about the chair and vice-chair, the entire governing board or the majority of the governing board, an independent investigator will carry out the steps in stage 2 (set out in section 6 above). They will be appointed by the Diocese of St Albans and will write a formal response at the end of their investigation.

7.3 Stage 3: Review Panel

If the complaint is jointly about the chair and vice-chair, the entire governing board or the majority of the governing board, a committee of independent governors will hear the complaint. They will be sourced from the Diocese of St Albans and will carry out the steps at stage 3 (set out in section 6 above).

8. Referring complaints on completion of the Academy's procedure

If the complainant is unsatisfied with the outcome of the Academy's complaints procedure, they can refer their complaint to the DfE.

The DfE will not re-investigate the matter of the complaint. It will look at whether the Academy's complaints policy and any other relevant statutory policies that the Academy holds were adhered to. The DfE also looks at whether the Academy's statutory policies adhere to education legislation. It may direct the Academy to re-investigate the complaint where it is clear the Academy has acted unlawfully or unreasonably.

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

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

We will include this information in the outcome letter to complainants.

If the complainant is unsatisfied with the outcome of the Academy's complaints procedure, they can refer their complaint to the ESFA. The ESFA will check whether

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the complaint has been dealt with properly by the Academy. The ESFA will not overturn a Academy’s decision about a complaint. However, it will look into:

- Whether there was undue delay, or the Academy did not comply with its own complaints procedure
- Whether the Academy was in breach of its funding agreement with the secretary of state
- Whether the Academy has failed to comply with any other legal obligation

If the Academy did not deal with the complaint properly, it will be asked to re-investigate the complaint. If the Academy’s complaints procedure is found to not meet regulations, the Academy will be asked to correct its procedure accordingly. For more information or to refer a complaint, see the following webpage:

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

We will include this information in the outcome letter to complainants.

9. Persistent complaints

9.1 Unreasonably persistent complaints

Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:

- Has made the same complaint before, and it’s already been resolved by following the Academy’s complaints procedure
- Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
- Knowingly provides false information
- Insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure
- Pursues a valid complaint, but in an unreasonable manner e.g. refuses to articulate the complaint, refuses to co-operate with this complaints procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the time frames it sets out
- Changes the basis of the complaint as the investigation goes on
- Makes a complaint designed to cause disruption, annoyance or excessive demands on Academy time
- Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value

Steps we will take

We will take every reasonable step to address the complainant’s concerns and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with

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individuals. We will follow our complaints procedure as normal (as outlined above) wherever possible.

If the complainant continues to contact the Academy in a disruptive way, we may put communications strategies in place. We may:

- Give the complainant a single point of contact via an email address
- Limit the number of times the complainant can make contact, such as a fixed number per term
- Ask the complainant to engage a third party to act on their behalf, such as [Citizens Advice](#)
- Put any other strategy in place as necessary

Stopping responding

We may stop responding to the complainant when all of these factors are met:

- We believe we have taken all reasonable steps to help address their concerns
- We have provided a clear statement of our position and their options
- The complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience

Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from our Academy site.

9.2 Duplicate complaints

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account.

If we are satisfied that there are no new aspects, we will:

- Tell the new complainant that we have already investigated and responded to this issue, and the local process is complete
- Direct them to the DfE if they are dissatisfied with our original handling of the complaint

If there are new aspects, we will follow this procedure again.

9.3 Complaint campaigns

Where the Academy receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the Academy, the Academy may respond to these complaints by:

- Publishing a single response on the Academy website
- Sending a template response to all of the complainants

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If complainants are not satisfied with the Academy's response, or wish to pursue the complaint further, the normal procedures will apply.

10. Record keeping

The Academy 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. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

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.

This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or through a subject access request under the terms of the Data Protection Act, or where the material must be made available during a Academy inspection.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and records management policy/record retention schedule.

The details of the complaint, including the names of individuals involved, will not be shared with the whole governing board in case a review panel needs to be organised at a later point.

Where the governing board is aware of the substance of the complaint before the review panel stage, the Academy will (where reasonably practicable) arrange for an independent panel to hear the complaint.

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 governing board, who will not unreasonably withhold consent.

11. Learning lessons

The Leadership and Management Committee will review any underlying issues raised by complaints with the Executive Principal, where appropriate, and respecting confidentiality, to determine whether there are any improvements that the Academy can make to its procedures or practice to help prevent similar events in the future.

12. Monitoring arrangements

The Leadership and Management Committee will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The Leadership and Management Committee will track the number and nature of complaints, and review underlying issues as stated in section 11.

The complaints records are logged and managed by the Academy Services Manager. This policy will be reviewed by the Leadership and Management Committee every 3 years.

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At each review, the policy will be approved by the full Governing Body.

13. Links with other policies

Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy and procedures
- Admissions policy
- Exclusions policy
- Staff grievance procedures
- Staff disciplinary procedures
- SEN policy and information report
- Privacy notices

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All Saints Academy Dunstable Complaints Policy

Annexe A

Checklist for a Panel Hearing

The panel needs to take the following points into account:

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

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Annexe B

Stage 1 Complaint form

Please complete and return to the Academy Services Manager who will acknowledge receipt and explain what action will be taken.

Your name:
Student's name:
Your relationship to the student:
Address: Postcode: Day time telephone number: Evening telephone number:
Please give details of your complaint.

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What action, if any, have you already taken to try and resolve your complaint.
(Who did you speak to and what was the response?)

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

Are you attaching any paperwork? If so, please give details.

Signature:

Date:

Official Use

Date acknowledgement sent:

By whom:

Complaint referred to:

Date:

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Annexe C

Stage 2 Complaint form

Please complete and return to the Academy Services Manager who will acknowledge receipt and explain what action will be taken.

Your name:
Student's name:
Your relationship to the student:
Address: Postcode: Day time telephone number: Evening telephone number:
Please give details of why you are dissatisfied with the outcome at Stage 1 of the Complaints Procedure:

