



# Complaints Procedure

This policy will be reviewed in full on a two yearly basis

This policy was reviewed and updated April 2023

Next review date: **April 2025**

## Introduction

This policy has been approved by our trustees and meets the requirements from the ESFA (Education, Skills and Funding Agency). It complies with part 7 of the Education (Independent Schools Standards) Regulation 2014.

## Policy

St Margaret's Academy aims to deal with all worries and complaints in a positive and supportive manner. We welcome questions, comments and suggestions for improvement. In most cases the teacher should be the first point of contact and we aim to deal with all concerns quickly and effectively. If the complainant is not happy with the way the concern has been dealt with, the stages below offer clear guidance as to the action to be taken. Complainants have the right to escalate through the below stages if unsatisfied with the outcome.

### Stage 1: Initial Contact with the school

Many concerns will be dealt with informally when you first make them known to the school. In most cases we would expect the class teacher to be the first point of contact, either by telephone, e mail, letter or in person. In some cases this initial contact may be followed by meeting with a more senior member of staff such as an Assistant Head or the Head Teacher. We will ask you what you think might resolve the issue.

If a parent/carer wishes to meet with the class teacher we respectfully ask them to make an appointment to discuss the situation. This ensures that:

- We allocate sufficient time to listen carefully to your complaint
- Lessons can start on time and are uninterrupted

If possible we prefer all concerns/complaints to be dealt with as quickly as possible and to everyone's satisfaction. It is preferable for concerns to be handled without the need for formal procedures. We pride ourselves on honest and genuine relationships within our school community; such values extend to all relationships with children, parents and members of our wider community.

However, we do appreciate that there may be times when more formal procedures are required and if you are still dissatisfied, your concern will become a formal complaint by following the procedures below.

## **Stage 2: Formal Consideration of your complaint**

You will be asked to confirm the complaint in writing to the Head Teacher of St Margaret's Academy (or the Chairman of Trustees if the complaint is about the Head Teacher).

You must state clearly that you are requesting the complaint be dealt with under the formal procedure. Please include any previous correspondence. Your letter will be acknowledged in writing.

As part of the school's consideration of your complaint, you may be invited to a meeting to discuss the complaint and to discuss any further details including any thoughts you may have about a suitable resolution. If you wish, you can ask someone to accompany you, to help you explain the reasons for your complaint. We would expect all parties present to maintain mutual respect and good manners throughout.

The Headteacher or Chair of Trustees will carry out a full investigation of all matters relating to your complaint. Where necessary this might include talking to witnesses and take statements from others involved.

Once the school has established all the relevant facts, you will receive a written response to your complaint. This will give a full explanation of the Headteacher's or Chair of Trustees' decision and the reason for it. If follow-up action is needed, the school will indicate what is proposed.

Stage 2 of the process will be completed with 15 days of receiving the written formal complaint.

## **Stage 3: Complaints Review Panel**

If your concern has already been through Stage 1 and 2 and you are not happy with the

outcome, the next step is to make a formal complaint to the board of trustees. You should contact the Chair of Trustees by letter, enclosing a copy of the written complaint originally submitted, indicating which matters remain unresolved.

No new complaint may be included. Letters should be sent to:

**Chair of Trustees**

St Margaret's Academy  
Barewell Road  
Torquay  
Devon  
TQ1 4PA

The Chair of Trustees has a responsibility to convene an appropriate panel to review the complaint. The review panel will include independent representation by, for example, a local Head Teacher who is not involved in the running or the management of the school. There will also be at least 2 other trustees on the panel who have had no dealings with the original complaint.

The aim of the complaints review panel is to ensure that a thorough and proper investigation was carried out. School representatives and the complainant will be invited to attend, and may be accompanied although it is not recommended that this is a legal accompaniment. The aim of the panel hearing is reconciliation and to put things right that have gone wrong.

If it was felt that a complaint had not been looked at properly, the panel would request that the complaint is re investigated.

The panel hearing will be organised to allow appropriate time for the complainant to be notified and to accommodate any reasonable requests relating to the time and date. Notification will be provided in written form and this may include e mail.

As a general rule, no evidence or witnesses previously undisclosed will be introduced into the meeting by any of the participants.

The clerk will send a written statement to all attendees outlining the decision of the panel. The findings and recommendations will be available for inspection on the school premises by the Head Teacher. Copies of the minutes will also be issued subject to any necessary redactions, under the [Data Protection Act 2018](#) and [GDPR](#). The complainant and the Head Teacher will be informed of this outcome in writing no later than 20 days after the letter of complaint was first received by the Chair of Trustees.

In all cases, St Margaret's will:

- record the progress of the complaint and the final outcome
- record whether the case progressed to a panel hearing
- record the action taken by the school regardless of the outcome
- determine who is responsible for these records and make sure the data is kept secure
- keep copies of attendance registers for 3 years
- ensure that any correspondence, statements and records relating to individual complaints will be 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

Formal complaints have a cut off period of 12 months although in exceptional circumstances, a longer period of time will be considered.

## Stage 4: Complaints to the ESFA

The governing body's decision will usually be final; however, if you wish to pursue the matter further, you can take your complaint to the ESFA using their online contact form. If you feel like you have been obstructed in any way from making a complaint, you can also contact the ESFA.

The ESFA cannot overturn the decision about a complaint. Their role is to make sure the complaint was handled properly. They will only consider the complaint if you can provide evidence that the school:

- does not have a complaints procedure
- did not provide a copy of its complaints procedure when requested
- does not have a procedure that complies with statutory regulations
- has not followed its published complaints procedure
- has not allowed its complaints procedure to be completed

The ESFA will **not be** able to:

- overturn the trustee board's decision
- re-investigate the original complaint
- review the accuracy of minutes taken or documents provided
- order that compensation is paid
- direct the school to discipline / exclude pupils
- force the school to discipline / dismiss staff
- instruct the school to apologise

The ESFA will intervene if the school has:

- breached a clause in its funding agreement
- failed to act in accordance with its duties under education law
- acted (or is proposing to act) unreasonably when exercising related education functions

When considering a complaint, the ESFA will review all the evidence provided, including the school's published policies, to determine whether it is appropriate to take any action. Action taken by them, where appropriate, typically involves explaining the legislative framework and what it means in practice at the trust level or recommending improvements to statutory policies.

## **Formal complaint about trustees**

We hope that concerns and complaints can first be dealt with informally through discussions and hearing what you think will resolve the issue. If this needs to be escalated, the complainant can follow the formal procedure describe below.

Complaints against individual trustees must be made to the governance professional to the board of trustees by addressing a letter to this person. The governance professional should then arrange for the complaint to be heard. This should be by the chair of trustees and then a panel hearing if applicable.

Complaints against the chair, the entire board of trustees or complaints involving both the chair and vice chair should also be sent to the governance professional, who should then determine the most appropriate course of action. This will depend on the nature of the complaint. As a Single Academy Trust, we will likely source an independent investigator to complete the formal stage and governors from other schools to hear the panel hearing.