



## COMPLAINTS POLICY AND PROCEDURE

<b>Policy Number</b>	003		
<b>Date Reviewed</b>	July 2020	<b>Policy Ownership</b>	Finance & Operations
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## Complaints Policy Addendum

### Complaints regarding Centre Assessment Grades Summer 2020

Should your complaint focus on Centre Assessment Grades (CAGs) awarded in Summer 2020 the following addendum to the Academy Complaints Policy and Procedures applies.

#### Context

Due to the cancellation of the summer 2020 examinations, grades have been awarded to students based on information provided by schools to the examination boards.

The Centre Assessed Grades (CAGs) were determined using a range of school based evidence and were subject to robust internal scrutiny procedures in line with the guidance from The Office of Qualifications and Examinations Regulation (Ofqual).

The CAGs were then submitted to the relevant examination boards.

Once centre assessment grades were submitted to examination boards, the process to produce the final grades started. To make sure that grades are fair between schools and colleges, examination boards put all centre assessment grades through a process of standardisation using a model developed with Ofqual that can result in adjustments to the centre assessment grades.

The examination boards then produce and issue the final grades to individual students based on centre submissions and outcomes of standardisation process.

#### Procedure

Should any student or parents feel that the grade awarded in a specific subject was unfair or unjust, please be aware that there is no recourse to the academy or individual members of academy staff.

For advice on how to appeal the final grade awarded please refer to the Ofqual Guidance link:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/890811/Summer\\_2020\\_grades\\_for\\_GCSE\\_AS\\_A\\_level\\_guidance\\_for\\_teachers\\_students\\_parents\\_09062020.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/890811/Summer_2020_grades_for_GCSE_AS_A_level_guidance_for_teachers_students_parents_09062020.pdf)

Or refer to the excerpt below:

#### ***“Can students appeal these grades?”***

***We are committed to doing all that we can to make sure students are not disadvantaged by these unprecedented circumstances, including allowing for an appeal where appropriate. In line with the direction given to us by the Secretary of State for Education, appeals will be allowed in cases where a centre believes it has made an error when submitting its information; or similarly, if the centre believes an exam board made a mistake when calculating, assigning or communicating a grade.***

***Additionally, a student who had evidence of bias or discrimination should raise this with their centre. They could also pass such evidence on to the exam board who could investigate for potential malpractice. Following our consultation, we have given serious consideration as to whether a student could appeal against their school or college’s centre assessment grades and position in the rank order.***

***On balance, we have decided it would not be in the interests of all students, or the fairness of the arrangements overall, for a number of reasons. Firstly, the appeal would have to be undertaken by someone better placed than the student's teachers to judge the grade they would likely have received if the exams had taken place – in the unique circumstances of this summer we do not believe there is any such person.***

***An appeal would also require students to have access to the information their school or college put forward before being submitted to exam boards. This may compromise the reliability of this year's approach. Furthermore, if one student successfully appealed against their position in the rank order, it would have negative implications for other students who would, in turn, need to be given an opportunity to appeal.***

***We intend that students who feel that their grades from the summer do not reflect their ability will have the opportunity to take their exams in the autumn series or in summer 2021. If they choose to do this, students will be able to use the higher of the two grades for future progression.”***

As stated in the excerpt above currently, the only recourse available for students is a re-sit of the examination during the autumn term of 2020; please note that this may not be an option for all subjects outside of the normal examination period in Summer2021.

Adopted by The Basildon Academies Trust 1<sup>st</sup> July 2020.

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## **PART A**

### **1. Revision**

This document will be reviewed by the Executive Committee annually and any amendments presented to the Governing Body for approval.

### **2. Distribution**

The Academy Support Manager shall retain a hard copy of this policy and distribute copies as required. Electronic copies of this code shall be available on the Academy's Website.

### **3. Duties and responsibilities**

It is the responsibility of the Governing Body to establish, maintain and monitor relevant policies, codes and procedures. Staff of the Academy should familiarise themselves with the contents of this code and should act in accordance with the principles set out in it. Specific reference will be made to this policy in the induction process for all staff of the Academies.

### **4. Interpretation**

Any question as to the interpretation or application of this procedure shall be determined by the Governing Body Staffing Committee.

## **PART B**

### **1. Introduction**

The Basildon Academies places great value on the role which parents and carers can play in supporting student's learning. Staff and Governors actively encourage a positive relationship between the Academies and the families of students who attend.

We acknowledge that there may be times when external parties (parents, members of the public etc) may feel they need to make a complaint. This policy sets out the framework and procedures for doing so and how such complaints will be dealt with.

### **2. Principles**

Our Complaints Procedure aims to:

- encourage resolution of problems by informal means wherever possible;
- be easily accessible and publicised;
- be simple to understand and use;
- be impartial;
- be non-adversarial;
- ensure a full and fair investigation where necessary;

- respect people’s desire for confidentiality;
- address all the points at issue and provide an effective response and appropriate redress, where necessary;
- provide information to the Academy’s Senior Leadership Team so that services can be improved.

### 3. Complaints Process

Our complaints procedure has three stages, each of which is dealt with in more detail later in this document. They are:

- **Stage one:** Initial Concerns;
- **Stage two:** Formal Complaint;
- **Stage three:** Complaint heard by Governing Body’s complaints appeal panel.

Where possible, the Academies will seek to resolve complaints informally in the first instance, however formal procedures will be invoked when attempts to resolve the issue informally are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

### 4. Resolving complaints

At each stage in the procedure the academy will keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review academy policies in light of the complaint.

Complainants will 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.* We want to identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

### 5. Vexatious complaints

If the Governing Body feels that a complaint made is vexatious in nature, they may decide, after an initial investigation to wave all or parts of this procedure if they feel this is appropriate.

### 6. Complaints about a member of the Governing Body

If the complaint is about a member of the Governing Body, the complainant should address it to the Chair of Governors; if the complaint is about the Chair of Governors the complainant should address it to the Chair of the Finance Committee. The Chair of Governors (or Chair of Finance Committee) will send an initial response within 7 working days and investigate the complaint.

## PART C - COMPLAINTS PROCEDURES

### 1. Complaint stages outlined

This complaints procedure has three well-defined stages:

- **Stage one:** Initial Concerns;
- **Stage two:** Formal Complaint;
- **Stage three:** Appeal - heard by Governing Body's complaints appeal panel.

### 2. Stage 1 - Initial Concerns

If, at any time, a member of the community has a concern about an aspect of life at the Academy, the concern will be dealt with by the Academy as quickly, sympathetically and effectively as possible. It is hoped that most concerns will be settled amicably at this stage.

At the time of making a complaint (whether in writing or verbally) the claimant should provide as much information as possible. This helps us investigate the matter and take the appropriate action.

It is important that the initial contact is with the person best placed to resolve it and the table below has been designed to assist in this matter:

<b>If the issue relates to</b>	<b>Please Contact</b>
Teaching, homework, setting	Deputy Head TLA (The Lower Academy) Deputy Head TUA (The Upper Academy)
Exams	Deputy Head Upper Academy
Care & Guidance issues	Deputy Head – Student welfare
Academy Curriculum	Headteacher
Sixth Form Issues	Assistant Head Key Stage 5
Support Staff	Director of Finance and Operations
Teaching Staff	Headteacher
Headteacher	Chair of Governors

If a complaint is about something not on the list above, the claimant should address their concern to the Director of Finance and Operations, who will ensure that this is passed to the appropriate person.

On receipt of the complaint, the person receiving the complaint information will ensure that:

- an outcome is communicated within seven school days
- the issue is investigated thoroughly – what has happened, who has been involved and what remains unresolved;
- appropriate members of staff are consulted and kept informed;

- information is passed to the relevant Leadership Team so that the Academy's systems and practices can be improved if necessary;
- confidentiality is respected;
- a response is provided as quickly as possible (this might include an explanation or apology together with action to put the situation right).

## **Stage 2 - Formal Complaints**

If a complainant is dissatisfied with the way the initial concern was handled at Stage 1 or is unhappy with the outcome, s/he may wish to progress to the second stage and submit a formal complaint in writing to the Headteacher. This must be submitted within 7 school days of receipt of stage 1 outcome.

The Headteacher may delegate the task of collating the information to another member of the Leadership Team but will make the decision on the action to be taken. Where the Headteacher is the subject of the complaint it will be heard by the Chair of Governors.

A Complaints Form is included below (Appendix 1) and may be used to submit a formal complaint.

An initial response to a formal complaint will be issued within seven working days of receipt.

The Headteacher may:

- uphold the complaint in whole or in part;
- dismiss the complaint in whole or in part;
- decide on the appropriate action to resolve the complaint.

We aim to provide a decision in response to a complaint within 15 working days of receiving all relevant information.

### **3. Stage 3 - Appeal - heard by the Governing Body's Complaints Appeal Panel**

If a complainant is dissatisfied with the way a formal complaint was handled, or is unhappy with the outcome, s/he may wish to progress to the third stage and submit an appeal. This must be submitted within 10 school days of receipt of stage 2 outcome.

The complainant should write to the Chair of Governors giving details of the continuing complaint. The Chair, or a nominated Governor, will then convene a Governing Body Complaints Appeal Panel.

The Complaints Appeal Panel is made up of two members of the Governing Body and one other person who is independent of the management and running of the Academy. The members will be nominated by the Governing Body and the panel will choose their own chair. In addition to this, the Clerk to the Governors will also be present. The Clerk will not be involved in the decision making process but will support in an administrative capacity. Full details of the roles and responsibilities of each person are detailed below.

When a panel hearing is set up, it will allow for a parent to attend and be accompanied at a panel hearing if they wish.

Individual complaints will not be heard by the whole Governing Body at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

### **Roles and Responsibilities**

The Complaints Appeal 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;
- recommend changes to the academy's systems/procedures to ensure that problems of a similar nature do not recur.

There are many points which any governor sitting on a complaints panel will take into consideration. These include the following with regards to process and procedures:

- It is important that the appeal hearing is independent and impartial and that it is seen to be so;  
No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it, or any other factors that might compromise them;  
The aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it is recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favour;
- An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child.
- The panel chair will ensure that the proceedings are as welcoming as possible.

### **The role of the Chair 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 issues are addressed;
- key findings of fact are made;
- parents 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.

## The role of the Clerk

The Clerk is the contact point for the complainant and they are 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;
- record the proceedings;
- notify all parties of the panel's decision.

## Notification of the panel's decision

The Chair of the panel will ensure that the complainant is notified of the panel's decision, in writing, with the panel's response. The complainant will be notified of the panel's decision within 15 working days.

A copy of the panel's findings and recommendations will be provided to the complainant and, where relevant, the person complained about.

The findings and recommendations of the panel will be available for inspection on the school premises by the proprietor and the Headteacher.

The Governors' appeal hearing is the last Academy-based stage of the complaints process.

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 will inform them in writing that the procedure has been exhausted and that the matter is now closed as far as the Academy is concerned.

Where a complainant feels it is appropriate they may wish to complain to the Education Skills Funding Agency (ESFA) in the following circumstances:

- the complainant considers that the Academy's complaints procedure has not been applied correctly;
- the Academy is not following the terms of its funding agreement.

The ESFA can't deal with all types of complaint and the complainant may need to contact a different agency. Details are as follows:

<b>If the complaint relates to</b>	<b>The Complainant may wish to contact</b>
Data protection / GDPR	Information Commissioner's Office
Discrimination	Equality Advisory and Support Service
Employment	an employment tribunal
Exam malpractice or maladministration	Ofqual and the awarding body

For further advice regarding 'complaining about an Academy' a complainant may wish to visit the following website: [www.gov.uk/complain-about-school](http://www.gov.uk/complain-about-school)

## **PART C - Other Information**

### **1. Recording complaints**

The Academy will record all formal complaints along with details of whether they were resolved following a formal procedure, or progression to a panel hearing.

The Academy will record the action it takes as a result of complaints, regardless of whether they are upheld.

Correspondence, statements and records relating to individual complaints are to be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Education and Skills Act requests access to them.

The person dealing with the complaint will pass all documents associated with the complaint to the Director of Finance and Operations who will be responsible for storing documents centrally for the appropriate timeframes.

### **2. Governing Body review**

The Governing Body will monitor the level and nature of complaints regularly at the appropriate committee meeting to ensure the effectiveness of the procedure and make changes where necessary. Complaints information shared with the whole Governing Body will not name individuals.

### **3. Publication**

There is a legal requirement for the complaints procedure to be publicised. Details of the complaints procedure will be included in:

- the information given to new parents when their children join the school;
- The Basildon Academies website

**The Basildon Academies - External Complaint Form**

Please complete and return to the appropriate person (see Part C, section 2). Once received, the complaint will be acknowledge and investigated as appropriate.

<b>Your Name:</b>	
<b>Your Address:</b>	
<b>Your Telephone Number:</b>	
<b>Your email address:</b>	
<b>Who or what this matter relates to (i.e. a staff or student name or subject)</b>	
<b>Details of your complaint</b>	

<b>What actions, if any, have you already taken to try and resolve your complaint. (Who did you speak to and what was the response)?</b>	
<b>What actions do you feel might resolve the problem at this stage?</b>	
<b>Are you attaching any paperwork? If so, please give details.</b>	
<b>Signature:</b>	
<b>Date:</b>	
<b>Academy Use Only:</b>	
<b>Date Received:</b>	
<b>Date acknowledgements sent:</b>	
<b>By whom:</b>	
<b>Complaint referred to:</b>	
<b>Date complaint was referred:</b>	