



# Sporting Stars Academy

## Complaints Policy

|  |  |                           |                  |                    |
|--|--|---------------------------|------------------|--------------------|
|  | <b><u>Agreed by the Directors:</u></b> | <b><u>01</u></b>          | <b><u>09</u></b> | <b><u>2013</u></b> |
|  | <b><u>Reviewed:</u></b>                | <b><u>20</u></b>          | <b><u>09</u></b> | <b><u>2014</u></b> |
|  | <b><u>Amended:</u></b>                 | <b><u>05</u></b>          | <b><u>01</u></b> | <b><u>2015</u></b> |
|  | <b><u>Reviewed</u></b>                 | <b><u>05</u></b>          | <b><u>10</u></b> | <b><u>2015</u></b> |
|  | <b><u>Reviewed:</u></b>                | <b><u>06</u></b>          | <b><u>10</u></b> | <b><u>2016</u></b> |
|  | <b><u>Reviewed:</u></b>                | <b><u>07</u></b>          | <b><u>09</u></b> | <b><u>2017</u></b> |
|  | <b><u>Reviewed:</u></b>                | <b><u>04</u></b>          | <b><u>09</u></b> | <b><u>2018</u></b> |
|  | <b><u>Reviewed:</u></b>                | <b><u>04</u></b>          | <b><u>09</u></b> | <b><u>2019</u></b> |
|  | <b><u>Reviewed:</u></b>                | <b><u>02</u></b>          | <b><u>09</u></b> | <b><u>2020</u></b> |
|  | <b><u>Reviewed:</u></b>                | <b><u>06</u></b>          | <b><u>09</u></b> | <b><u>2021</u></b> |
|  | <b><u>Reviewed:</u></b>                | <b><u>01</u></b>          | <b><u>08</u></b> | <b><u>2022</u></b> |
| <b><u>Review Date:</u></b>   |  | <b><u>August 2023</u></b> |                  |                    |
| <b><u>Signed:</u></b><br>Signed.....<br>(Director of Premises, Recruitment & Public Relations) |  |                           |                  |                    |
| Signed.....<br>(Director of Business, Finance & Enterprise)                                    |  |                           |                  |                    |
| Signed.....<br>(Headteacher/Director of Curriculum and SENCO)                                  |  |                           |                  |                    |

It is the aim of Sporting Stars Academy to provide an outstanding education for all of our students. The staff team work hard to build positive relationships with all and believe that feedback is essential for ensuring continued improvement and raising standards. We are nonetheless obliged to have procedures in place in case there are complaints by parents, carers or any other partners.

The following policy outlines the procedures that we follow in such cases. If any parents/carers are unhappy with the education that their child is receiving or have any concerns relating to the school, we encourage them to talk to the Headteacher immediately in person or via telephone.

## **AIMS AND OBJECTIVES OF THE POLICY**

There are various principles behind this procedure:

- Sporting Stars Academy will seek to resolve complaints by informal means wherever possible.
- Investigations will be full, fair and swift, and people will be kept informed of progress and the decisions reached.
- Every effort will be made to respect confidentiality.
- Feedback will be actively sought from those voicing complaints in order to minimise complaints and maximise accountability.
- Records will be confidential but will be made available upon request to appropriate parties, Ofsted or the Secretary of State in hard copy or electronic format.

**\*\* This policy should be read in conjunction with all other school policies\*\***

## **CIRCUMSTANCES UNDER WHICH THIS PROCEDURE SHOULD NOT BE USED**

Issues related to child protection, criminal investigations and employee grievances must all be handled separately from this policy. This complaints policy is also distinct from formal staff disciplinary proceedings and this should be made clear to all concerned. There may be occasions where a complaint gives rise to disciplinary procedures which put the complaints process on hold. If and when this occurs, the complainant should be informed. Any non-disciplinary aspects of the complaint should continue to be dealt with through the usual complaints procedures.

## **CIRCUMSTANCES UNDER WHICH STAGES OF THE PROCEDURE SHOULD BE MISSED OUT**

This policy sets out the most suitable and effective process for dealing with the majority of complaints which are not covered by alternative statutory procedures. In most cases any concern or complaint, regardless of whose attention it is initially brought to, should be discussed informally (Stage 1) before being submitted at any of the following consecutive formal stages.

In all cases where the complaint concerns any one of the school's Directors, and the complaint has not been resolved at Stage 1 of the process, Stage 2 will be missed out and the formal complaints procedure will begin at Stage 3.

In some cases, it may be deemed inappropriate for individuals to discuss their concerns informally. In such cases, complainants may be asked to contact the Headteacher directly (i.e. begin at Stage 2). Complainants may choose to contact the Headteacher directly of their own accord. In these cases it will be at the discretion of the Headteacher as to whether or not it is appropriate for the complainant to discuss the matter informally (i.e. return to Stage 1).

## **WHO IS ALLOWED TO COMPLAIN?**

This policy may be used by anyone who has a concern or complaint about any aspect of the school. In the main this will mean the parents and carers of the school's students, but may include neighbours of the school, or any other members of the local community.

## **MONITORING COMPLAINTS**

At all formal stages of the complaints procedure, the following information should be recorded:

- The name of the complainant;
- The date and time at which complaint was made;
- The details of the complaint;
- The desired outcome of the complainant;
- How the complaint is investigated (including written records of interviews held);
- Results and conclusions of investigations;
- Any action taken;
- The complainant's response (satisfaction or further pursuit of complaint).

Records will be retained for the period of time specified in guidance on records retention and be made available on request to concerned parties, Ofsted or the Secretary of State in hard copy or electronic format.

## **UPHOLDING OR NOT UPHOLDING COMPLAINTS**

At each stage of the complaints procedure, the conclusion will be either:

1. That the complaint is upheld (in part or in full) and, where appropriate, some form of action is taken. It might be sufficient to acknowledge that the concern or complaint is valid. 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 assurance that the event complained of will not recur;
- An explanation of the steps that have been taken to ensure that it will not happen again;
- An undertaking to review school 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 school could have handled the situation better is not the same as an admission of negligence. Equally, an effective procedure will identify areas of agreement between the parties.

2. That the complaint is not upheld and reasons for this are clearly given. In the first instance to review the school's policies in consideration of the complaint and in the second instance, the complainant may either choose to take no further action or to take their complaint to the next relevant stage.

### **PUBLICITY AND COMMUNICATION**

There is a legal requirement for schools to publicise their complaints procedures. All staff and members of the school will be made aware of the complaints procedure and the various stages involved. At all stages of the complaints procedure, everybody involved needs to be clear about what is happening and what their responsibilities are. In addition, the complainant should be told how to proceed to the next stage of the procedure if and when their complaint is not upheld.

### **CONFIDENTIALITY**

Confidentiality is vital. All conversations and correspondence will be treated with discretion. Complainants have the right to know what use will be made of personal information and, accordingly, personal information will only be shared between staff on a 'need to know' basis.

### **EQUAL ACCESS, ACCOMPANIMENT AND REPRESENTATION**

Appropriate steps will be taken to ensure that any individual has the opportunity to raise their concerns or submit a formal complaint. This includes the right to be accompanied or represented by a friend or relative at discussions and hearings and/or to submit formal complaints which have been written by another individual on their behalf. Should any meeting need to be held where any parties would have difficulties in terms of access, the school will, as far as possible, assist with providing an appropriate venue. It is an expectation that equal respect will be granted to each person involved within the process and that differences between people will be respected and understood.

### **TIME BETWEEN STAGES**

Although each of the stages within the procedure should occur consecutively, it is not necessary for each stage to immediately follow the last. Complainants may need some time to decide whether or not they wish to pursue the matter any further. After each stage, the complainant will be informed that they have 15 days in which the next stage should be accessed if at all. If the complaint is not submitted to the next stage within this agreed time limit it will be classed as closed.

### **CHANGES TO TIME LIMITS AND DEADLINES**

The school will also maintain the time scales within this policy. However, in certain circumstances it may be deemed inappropriate or impossible to guarantee.

Where a complaint leads to criminal proceedings this will always be the case. If and when it becomes necessary to alter the time limits and deadlines set out within this policy, the complainant will be told and given an explanation as to why this has been the case.

## **STAGE ONE: INFORMAL DISCUSSION**

### Introduction

The vast majority of concerns and complaints can be dealt with informally. There are many occasions where concerns are resolved straight away without the need to submit a formal complaint. Indeed, many concerns raised at this level might not be classified as complaints.

### Who to speak to informally

Individuals may decide to raise their concerns with a class teacher, senior teacher, Headteacher or Director of Premises, Recruitment & Public Relations depending on their wishes and the type of issues they want to discuss.

NB. If a member of staff feels compromised or unable to deal with a complaint, the complainant can be referred to the Headteacher as appropriate. The ability to consider the complaint objectively and impartially is crucial.

### **Monitoring**

It is not necessary to record or monitor complaints at this level.

### **Time scales**

There are no specific time scales for dealing with concerns at this stage. However, as at all stages, issues should be considered and dealt with as quickly and effectively as possible.

### **Response**

The individual who raised the issue should be informed of any action to be taken to resolve the issue. If appropriate, this might be confirmed in writing.

### **Options for complainant**

If the individual is dissatisfied with the response they have been given and would like to take their complaint further, they will be referred to the school's complaints procedure and told how to move on to the next stage. When a complaint is made directly against any of the school's Director's, Stage 2 is not required and the formal procedure begins at Stage 3.

## **STAGE 2: REFERRAL TO THE HEADTEACHER**

### Introduction

This is the first stage of the formal complaints process and, as a result, all communications between parties need to be carefully recorded and monitored as set out in the 'monitoring complaints' section of this document.

### **Informal discussion with Headteacher**

Before proceeding with a formal investigation, the Headteacher will meet with the individual and discuss their concerns and wishes. It may still be appropriate and satisfactory to reach an informal resolution at this point. If not, the Headteacher will decide whether the individual's complaint will be dealt with by this policy or another statutory procedure and advise them on what they will need to do.

## **Monitoring**

At all formal stages of the complaints procedure, all communications between parties need to be carefully recorded and monitored as set out in the 'monitoring complaints' section of this document. Any action taken as a result of a formal complaint will be recorded.

## **Submitting a formal complaint**

By this stage it must be clear that the concern is a definite complaint which will be dealt with according to this policy and should be formally submitted in writing to the Headteacher. The complainant should be provided with the school's complaints pro-forma (see appendix 1).

As indicated within the 'equal access, accompaniment and representation' section of this policy all complainants have the right to submit formal complaints, at this or any stage, which have been written by another individual on their behalf.

## **Acknowledgement and Time Scales**

The Headteacher will formally acknowledge the complaint within 5 school days of receiving it and begin an investigation.

## **The Investigation**

The Headteacher will need to investigate the complaint and review any relevant documentation and information. If necessary, the Headteacher will interview witnesses and take statements from those involved. If the complaint centres around a student, the student will also be interviewed.

As indicated within the 'equal access, accompaniment and representation' section of this document, all individuals have the right, at this or any other stages, to be accompanied or represented by a friend or relative at discussions and hearings.

When students are interviewed, an additional member of staff should always attend.

## **Response**

The Headteacher will provide the complainant with a full written response within 15 school days of acknowledging it. This response will follow the 'Upholding or not upholding complaints' section of this document.

## **Options for complainant**

If the individual is dissatisfied with the response they have been given and would like to take their complaint further, they should be referred to the school's complaints procedure and told how to move on to the next stage.

## **STAGE 3: COMPLAINT HEARD BY A PANEL HEARING**

### **Introduction**

Complaints only rarely reach this formal level. Upon receiving a formally submitted complaint at this stage the Directors will usually choose to deal with it by holding a Complaints Panel Hearing. However, in some cases, it may be possible and appropriate for the Directors to resolve the issue with the complainant by other means without the need for a Complaints Panel Hearing. When Stage 2 has been missed out, this is the first stage under which a formal complaint about the Headteacher will be dealt with.

### **Submitting a formal complaint**

The complainant must submit a written request to the Director of Premises, Recruitment & Public Relations for their complaint to be considered by a complaints committee.

### **Acknowledgement and time scales**

The Director of Premises, Recruitment & Public Relations should acknowledge receipt of the complaint within 5 school days if possible but no more than ten at most by writing to the complainant. This letter will inform them that their complaint will be heard by a Complaints Panel Hearing within 15 school days.

### **The Complaints Panel**

The Complaints Panel will be made up of at least 3 people who were not directly involved in previous consideration of the complaint. One person on the panel must be independent of the management and running of the school. The panel will elect its own chair.

### **Preparation**

Once a formal complaint has been received the Director of Premises, Recruitment & Public Relations will appoint a clerk to co-ordinate the Complaints Panel Hearing and ask them to begin to make preparatory arrangements for the complaint to be heard.

The clerk will convene a meeting of the Complaints Panel. The membership of the Complaints Panel will be confirmed, a date and time will be arranged for a hearing and all existing relevant documentation will be given to the three appointed panel members.

The clerk will then formally write to the complainant, the Director of Premises, Recruitment & Public Relations, the Headteacher and any other relevant staff or witnesses and inform them:

- Of the date, time and venue of the hearing;
- Of the aims and objectives of the hearing and how it will be conducted;
- That any documentation they wish the committee to consider must be returned to the Clerk no later than 5 school days before the hearing takes place;
- Of the rights of equal access, accompaniment and representation as set out within this document;
- How and when the committee will reach their decision.

It is the responsibility of the clerk to ensure that all parties receive all relevant documents at least 3 school days before the date of the hearing so as to allow individuals to familiarise themselves with them.

## **The Hearing**

The hearing should allow each party involved to explain their understanding or interpretation of events and for other parties to question them. The hearing will, therefore, usually operate according to the following format:

- The chair will introduce all parties to one another and explain the principles, objectives and format of the hearing
- The complainant will be given the opportunity to explain their complaint. Following this the Headteacher and the complaints committee will be allowed to ask the complainant questions.
- The Headteacher will then be given an opportunity to explain the school's official response, interpretation or view about the complaint. Following this the complainant and committee will be allowed to question the Headteacher.
- Every party will be given the opportunity to call witnesses and question witnesses called by other parties.
- The Headteacher and the complainant will both be given the chance to give final statements.
- The hearing will be concluded by the chair who should explain that the committee will consider its decision and write to both parties within 5 school days informing them of the outcome.

This format will need to be altered under certain circumstances. Ultimately, the chair of the meeting has control over its proceedings.

## **After the hearing**

The Complaints Panel will then consider the complaint and all the evidence presented and:

- Reach a unanimous, or at least a majority decision, on the complaint;
- Decide upon the appropriate action (if any) to be taken;
- Where appropriate, suggest changes to, or request a review of, the school's systems or procedures to ensure that problems of a similar nature do not happen again.
- Ensure the complainant, Directors, Headteacher and person complained about (where relevant) are provided with a copy of any findings and recommendations. These will be in written format.

This information will be included in both the letters to the Director of Premises, Recruitment & Public Relations, Headteacher and the complainant.

## **REVIEW BY COMPLAINTS PANEL – KEY ROLES AND RESPONSIBILITIES**

### **The Role of the Clerk**

The clerk organises the complaints committee review. He or she will need to:

- Set the date, time and venue of the review, 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 parties in advance of the review;
- Meet and welcome the parties as they arrive at the review;
- Record the proceedings;
- Notify all parties of the committee's decision.



## **The Role of the Director of Premises, Recruitment & Public Relations**

The Director of Premises, Recruitment & Public Relations should:

- Check that the correct procedure has been followed;
- If a review is appropriate, notify the clerk to arrange the committee.

## **The Role of the Chair of the Complaints Panel**

The chair of the Complaints Panel has a key role. He or she will need to ensure 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 speak at such a review are put at ease;
- The review 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 Chair of the Complaints Panel needs to ensure that the complainant is notified of the committee's decision, in writing, with the committee's response within 5 school days. This letter will explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

## **ARRANGEMENTS FOR MONITORING AND EVALUATION**

- All complaints and the action taken will be documented and a summary included in the Headteacher's annual report to the Directors, with advice on any implications for policies.

## **Mechanisms for Review and Evaluation of the School's Special Needs Policy**

- This policy will be reviewed annually.
- Where necessary name and details will be updated

## **Addendum**

This policy was amended on the 5<sup>th</sup> January 2015 following a change in regulations relating to independent school standards Part 7: Manner in which complaints are handled.

This policy is compliant with the UK General Data Protection Regulation (GDPR) that replaced the 1995 EU Data Protection Directive and the EU GDPR (May 25<sup>th</sup> 2018) and came into force following Brexit on 1<sup>st</sup> January 2021.

Date of last review: August 2022

## Appendix One

### Sporting Stars Academy Complaints Form

|  |           |
|--|-----------|
| Name   |           |
| Name of student  |           |
| Your relationship to the student   |           |
| Address  | Postcode: |
| Daytime Telephone Number   |           |
| Evening Telephone Number   |           |
| Please give details of your complaint (continue on a separate piece of paper if necessary and attach it securely to this form before submitting it). |           |
| 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?  |           |
| Signature:   |           |
| Date:  |           |

#### For Official use only

|                            |  |
|----------------------------|--|
| Date acknowledgement sent: |  |
| By whom:                   |  |
| Complaint referred to:     |  |
| Signature:                 |  |
| Date:                      |  |