



King's Cross Academy

## Procedure for Dealing with Complaints

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Headteacher: *Stephen Mitchell*

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KCA complaint form

## **1. Dealing with complaints issues within the Academy**

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### **Introduction**

**The Governing Body of the Academy is responsible for ensuring the proper and just consideration of complaints.**

It is important that complaints are handled speedily, efficiently and as amicably as possible in order to maintain a fair and responsible approach to all complaints it receives. The Academy will monitor all complaints in order to carry out a self-review of its procedures and make any necessary adjustment. The Governing Body will review the Complaints Procedure annually.

The Academy's Complaints procedure sets out three stages for dealing with complaints:

- the informal stage within the Academy;
- the formal complaint (Stage 1) – heard by the nominated Lead Governor for complaints; and
- the formal complaint (Stage 2) - heard by an Appeals Committee of the Governing Body.

## 2. The Informal Stage

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- 2.1 The complainant should contact the Headteacher to discuss the problem or complaint, or complete a Complaint Form.
- 2.2 Following the discussion/meeting, with the Headteacher, the complainant will be informed in writing by the Headteacher of:
  - any action taken or proposed to be taken to resolve the complaint;
  - the complainant's right to submit a formal written complaint to the Governing Body through the clerk if the complainant is still dissatisfied.
- 2.3 The Headteacher will record the action taken and, in the event of a formal complaint being submitted, will ensure that it is forwarded to the Governing Body.
- 2.4 Complainants who contact the Academy Trust or Governing Body directly will be advised of the Academy's complaints procedure and advised to discuss the matter with the Headteacher first. Unless the complainant wishes otherwise, The Academy Trust / Governing Body will inform the Headteacher of the concern raised and ask the Headteacher to contact the complainant to seek a resolution through the Academy's complaints procedure.
- 2.5 If it is clear that the complaint is about the Headteacher, the complainant will be advised of the Academy's complaints procedures and advised to contact the Chair of Governors. The Chair will seek a resolution through the Academy's complaints procedure. The Chair of Governors may be able to resolve the complaint at the informal stage.

### **3. The Formal Stage**

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#### **Stage 1 - Complaint to the Governing Body**

- 3.1 The Governing Body has nominated a Lead Governor to deal with formal complaints.
- 3.2 If the complainant is dissatisfied with the Headteacher's response or if the complaint is about the actions of the headteacher, s/he can request that the complaint is referred to the Governing Body's nominated Lead Governor.
- 3.3 The Headteacher will inform the complainant of the need to submit a formal written complaint to the Clerk to the Governing Body and will supply the name and address of the Clerk to the Governing body for this purpose.
- 3.4 In the case of a formal complaint against the Headteacher, the Clerk to the Governors may seek further to resolve the matter herself informally but this shall not delay the arrangements for the formal consideration of the complaint. In all cases the Clerk to the Governing Body will immediately upon receipt of the complaint send an acknowledgement and confirmation that a formal hearing will be convened within twenty school days. The Clerk to Governors will then immediately forward the complaint to the Lead Governor to convene the hearing. The Lead Governor may ask the Headteacher to conduct further investigations of the facts for presentation at the hearing.

In the event that the complaint is about the actions of the Headteacher, the Chair of Governors may, if unable to resolve the matter informally, seek to engage an independent person to act as an investigating officer to establish the facts.

- 3.5 A complaints hearing by the Lead Governor will be convened within 20 school days of the receipt of the formal complaint.
- 3.6 The Clerk will send a letter to the complainant stating the date, time and place of the hearing at least 10 working days before the hearing. The letter should enclose a copy of the complaints procedure. If the complainant wishes to submit a written statement or refer to any additional documents in his/her possession, copies should be sent to the Clerk/ Lead Governor seven working days before the date of the meeting in order that sufficient copies can be made available to the Lead Governor. Similarly if any investigation report is prepared by the Headteacher or other person at the request of the Chair of Governors, it should be available seven working days before the hearing for circulation. Any papers to be considered at the hearing should be made available both to the Lead Governor and to the complainant and the Headteacher at least 3 days before the hearing. The names of any witnesses to be called by the complainant or Headteacher should be notified to the clerk/Lead Governor, seven working days before the hearing and should be notified to the Committee, the complainant and the Headteacher at least 3 days before the hearing.

## **4. The Hearing**

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- 4.1 The aim of the hearing is to resolve the complaint and achieve a reconciliation between the Academy and the complainant. Governors should seek to remedy matters wherever possible.
- 4.2 Introduction of previously undisclosed evidence or witnesses should be a reason to adjourn the hearing so that the other side has the time to consider the situation.
- 4.3 The hearing should consider the complaint as informally as possible, however, the meeting should be structured to ensure that it is effective.
- 4.4 The complainant will be informed of the Lead Governor's decision where possible within 3 school days of the meeting.

## **5. Stage 2: Complaint to the Governing Body Appeals Committee**

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- 5.1 This stage applies if following the hearing under Stage 1 of the procedure and the headteacher or complainant is not satisfied with the outcome, and wishes to appeal against the decision.
- 5.2 Any appeal against a decision under Stage 1 of this procedure must be lodged with the Clerk to the Governing Body within 20 working days of the issue of the notification of the decision in writing. The Clerk to the Committee will acknowledge it and refer it to the Chair of the Appeals Committee
- 5.3 The Governing Body will establish an Appeals Committee of Governors to hear any appeals made against the decision of the Lead Governor.
- The appeals committee shall comprise at least as many governors as involved in the Stage 1 hearing of the complaint
- 5.4 The appellant must state very clearly the grounds on which the appeal is being made and specify whether the appeal is against
- the decision of the Lead Governors
  - and / or
  - the conduct of the hearing.
- 5.5 The Chair of the Appeals Committee will arrange for a special meeting of the Appeals Committee to be convened within 20 working days of the receipt of the formal appeal.
- 5.6 The Clerk/Chair of the Appeals Committee will send a letter to the complainant stating the date, time and place of the appeal hearing at least 10 working days before the meeting. Any documents relevant to the appeal will be enclosed with the letter. If the complainant wishes to refer to any additional documents in their possession then copies should be sent to the Clerk/Chair of the Appeals Committee seven working days before the date of the meeting in order that sufficient copies can be made available to the Appeals Committee.

## **6. The Appeal Hearing**

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- 6.1 As in the case with Stage 1 of the procedure, the aim of the meeting is to resolve the complaint and achieve a reconciliation between the Academy and the complainant. Governors should seek to remedy matters wherever possible.
- 6.2 Governors may wish to enlist the services of an independent person to sit on the Appeal Committee. Any expense paid to an independent volunteer serving on an appeals Committee would be the responsibility of the school.
- 6.3 The meeting should again consider the appeal as informally as possible. Governors may wish to follow the same procedure for the conduct of the appeals meeting, as set out in attached Appendix A.
- 6.4 The Appeals Committee will consider the complaint and the case made by the complainant and;
- reach a decision on the complaint appeal and their reasons for it;
  - decide upon any action to be taken or recommended including details of any request made to those complained against to take particular action to resolve the complaint.
- 6.5 The hearing will be minuted and notification of the outcome of the meeting will be sent to all parties within, where possible, 3 working days of the hearing
- 6.6 The Appeal Committee's decision will be final on behalf of the Academy and the Governing Body, and will be notified to the complainant in writing, and to the members of the Complaints Committee.



## APPENDIX A

### Procedures for conduct of the hearing

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Set out below is a procedure that the Lead Governor can follow for the conduct of the hearing:

- (i) The complainant shall explain the nature of her/his complaint and may submit a written statement, to the hearing.
- (ii) The Headteacher and the Lead Governor may question the complainant about the complaint and why it has been made.
- (iii) If any investigation report has been produced at the request of the Chair of Governors by the Headteacher (or another person) it will be considered. If the report is produced by a person other than the Headteacher, the person may be present at the hearing and answer questions of clarification for the complainant, the Headteacher and Lead Governor. Otherwise the Headteacher will respond to the complaint.
- (iv) The complainant and the Lead Governor may question the Headteacher about her/his response to the complaint.
- (v) The Lead Governor, the Headteacher and the complainant shall have the right to call witnesses where there are disputes as to the fact.
- (vi) The Lead Governor, the Headteacher and the complainant shall have the right to question any such witnesses.
- (vii) The complainant may make a final statement.
- (viii) The Headteacher may make a final statement.
- (ix) The Lead Governor shall explain that the complaint will now be considered and a decision reached which will be notified to the complainant and the Headteacher in writing.
- (x) The complainant and the Headteacher will then leave the meeting.
- (xi) The Lead Governor will consider the complaint and the cases made by the complainant and Headteacher and:
  - reach a decision on the complaint and the reasons for it;
  - decide upon any action to be taken or recommended including details of any request or direction to those complained against to take particular action to resolve the complaint.

- (xii) Notification of the decision will be sent to the complainant and to the headteacher in writing and setting out the right of appeal against the decision.
- (xiii) The letter sent to the complainant informing her/him of the decision concludes this stage of the procedure.



## **King's Cross Academy Complaint Form**

The first stage in the Complaints Procedure is informal – this means that the Academy seeks to resolve the issue or at least find a workable way forward. The informal stage includes the opportunity to meet with a member of staff to explore the situation. Whilst parents may decide to take the complaint further, we would always aim to find a resolution informally as we recognise the importance of a good working relationship with parents even when there is a difficult issue to address. If parents decide to pursue a complaint beyond the informal stage, it will be considered by a Lead Governor.

This form can be used to submit a complaint to the Academy. The Headteacher will respond in writing setting out the Academy's response to your complaint and any action taken or proposed action in order to seek resolution (if your complaint is about the Headteacher, this should be addressed to the Chair of Governors). Once you have received the Head Teacher's response, you can then decide whether or not to take the complaint further.

Parent/Guardian's name:	
Your child's name:	
Your child's current class:	
Date:	

Please describe as clearly as possible the nature of your complaint. Include any information that you feel will help give an overview of the main issues:

A large, empty rectangular box with a thin black border, occupying the upper half of the page. It is intended for the respondent to provide their answer to the question below.

*Please continue on another sheet if necessary*

Please indicate how you feel the situation could be resolved:

A large, empty rectangular box with a thin black border, occupying the lower half of the page. It is intended for the respondent to provide their answer to the question above.

Please place this form in an envelope addressed to the Headteacher and marked 'confidential'; then hand it in to the school office or directly to the Headteacher.