

## Complaints Procedure

### Policy Control Page

|                                |   |
|--------------------------------|---|
| <b>Responsible Person</b>      | Principal   |
| <b>Approved By</b>             | Governing Body  |
| <b>Date of Last Approval</b>   | Mar 26  |
| <b>Next Review Date</b>        | Mar 27  |
| <b>Procedure Applicable to</b> | Whole Charity   |
| <b>Status</b>                  | <p>Approved by SLT July 2022<br/>         Approved Governing Body December 2022<br/>         Approved governing Body July 2023 subject to minuted amendments<br/>         Approved SLT Nov 24<br/>         Approved Governing Body Nov 24<br/>         Approved SLT Mar 26<br/>         Approved GB 26 March 2026</p> |

| Date          | Version | Person         | Change / Action   |
|---------------|---------|----------------|---|
| March 2021    | 1.0     | Governing Body | Approval of policy  |
| May 2022      | 1.1     | Principal      | Update of Policy including control page   |
| July 2022     | 1.1     | Principal      | Approved by SLT   |
| November 2022 | 1.2     | Governing Body | Approved by GB  |
| July 2023     | 1.3     | Governing Body | <ul style="list-style-type: none"> <li>Governing Body to be informed of any serious complaints when they occur.</li> <li>Governing Body to be informed of any significant increase in minor complaints.</li> <li>Annual report to be presented to Governing Body</li> </ul> |

|          |     |                |  |
|----------|-----|----------------|--|
| Nov 2024 | 1,4 | Governing Body | <ul style="list-style-type: none"><li>• Updates section on complainant behaviour and other minor changes</li></ul> |
| Feb 26   | 1.6 | SR             | <ul style="list-style-type: none"><li>• Added reference to Data Protection Complaints handling procedure</li></ul> |

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## **Introduction**

The Academy has adopted this procedure to allow parents/carers of students attending the Academy and others using services provided by the Academy or the Charity to raise a concern or complaint. We will usually follow this procedure when dealing with complaints from others but reserve the right to substitute this procedure for an alternative process where it is appropriate to do so.

This procedure does not apply to concerns and complaints relating to the following, which are dealt with under separate policies:

- Academic Appeals (multiple policies depending on awarding qualification body)
- Admissions (Admissions Policy)
- Exclusion/Suspension (Behaviour Policy)
- Safeguarding/Child protection (Safeguarding Policy)
- Staff discipline (Disciplinary Policy)
- Staff grievances (Grievance Policy)
- Whistleblowing (Whistleblowing Policy)

Data Protection (Data Protection Complaints Handling Procedure)

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

The Academy and the Charity is dedicated to providing the best possible education, care and support for all its students. This means having a clear, fair, and efficient procedure for dealing with any complaints to or against the Academy or Charity, so that any issues that arise can be dealt with as swiftly and effectively as possible.

The Academy and Charity welcomes feedback on the services it provides. Should anyone be unhappy with any aspect of the Academy and Charity, it is important that the Academy and Charity learns about this.

All Academy and Charity staff will be made aware of the complaints procedures and are expected to review this policy regularly in order that they are familiar with our process of dealing with complaints and can be of assistance when an issue is brought to their attention.

## **Understanding this procedure**

In order to investigate your complaint as fully as possible, we have implemented a staged approach. We anticipate that almost all complaints that arise will be resolved at Stage 1 or Stage 2 below.

We expect our members of staff to be addressed in a respectful manner and for communication to remain calm at all times. The procedure under Part 2 will only be used on very rare occasions to deal with unreasonably persistent complainants or unreasonable complainant behaviour.

To enable a proper investigation, concerns or complaints should be brought to the attention of the Academy as soon as possible. In general, any matter raised more than 3 months after the event being complained of, will not be considered.

An anonymous concern or complaint will not be investigated under this procedure unless there are

exceptional circumstances.

If it becomes necessary to alter the time limits and deadlines set out within this procedure, you will be advised accordingly and given an explanation as to why this has been the case and provided with revised timescales.

In this procedure:

'Academy days' exclude weekends and Academy holidays.

'Parent' means a parent, carer or anyone with legal responsibility for a child or young person.

## **Aims**

The Academy aims to meet its statutory obligations when responding to complaints from parents of students 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
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into the Academy improvement evaluation processes

We will provide support to students and members of the deaf community to enable them to raise a complaint and use the complaints procedure effectively ensuring this policy is accessible (for students and parents/carers; for example, majority of students use BSL as first language and have additional needs).

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

When a member of staff is receiving a concern or complaint from a student the member of staff will take the upmost care to ensure that the complaint is well received by using positive body language/facial expressions to put the child or young person at ease.

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. To support our students, we use displays, handbooks, keyworker sessions, assemblies and PSHE to discuss not only our internal complaints procedure but also those of other organisations.

## Definitions and scope

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”.

The Academy will resolve concerns through day-to-day communication as far as possible.

A **complaint** is defined as “an expression of dissatisfaction, however made, about actions taken or a lack of action”.

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.

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

## Legislation and guidance

This document meets the requirements of:

section 35 of the schedule to [the Education \(Non-Maintained Special Schools\) \(England\) Regulations 2011](#), which states that non-maintained special schools must have and make available a written procedure to deal with complaints relating to their school.

Standard 18 of the National Minimum Standards for Residential Special Schools 2015.

the National Minimum Standards as set out in section 87C (1) of the Children Act 1989 or section 23 of the Care Standards Act 2000.

It also refers to [good practice guidance on setting up complaints procedures](#) from the Department for Education (DfE).

## 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
- Do not approach individual governors about the complaint
- Do not publish details about the complaint on social media

## **Principles for investigation**

### **When investigating a complaint, we will try to clarify:**

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

We also intend to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage.

Where further investigations are necessary, new time limits will be set, and the complainant will be sent details of the new deadline with an explanation for the delay.

The Academy expects that complaints will be made as soon as possible after an incident arises and no later than 3 months afterwards. 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.

### **Stages of complaint - Stage 1: informal**

The Academy will take informal complaints 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.

Many enquiries and concerns can be dealt with satisfactorily by the class teacher, senior leader or other members of staff without the need to resort to the formal procedure. The Academy values informal meetings and discussions and encourages parents to approach staff with any concerns they may have, and it aims to resolve all issues with open dialogue and mutual understanding.

It is always helpful if you can fully explain the nature of the complaint and identify the outcome you are looking for. You may be invited to an informal meeting with the member of staff most appropriate for dealing with that complaint. The member of staff dealing with the complaint will make sure that you are clear on what action (if any) has been agreed. This may be put in writing if appropriate.

If the matter is brought to the attention of the Principal, he may decide to deal with your complaint directly at this stage. If the complaint is about the Principal these should be referred directly to the Chair of Governors under Stage 2.

There is no suggested timescale for resolution at this stage given the importance of dialogue through informal discussion, although it would be expected that most issues will be resolved within 15 Academy days. Where no satisfactory solution has been found, you will be advised that if you wish your complaints to be considered further you should write to the Principal under Stage 2.

### **Stage 2: Formal - Inform the Principal in writing**

The attached pro forma (Appendix A) should be completed providing 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.

The Principal (or someone appointed by the Principal) will usually invite you to a meeting to clarify your complaints and to explore possible resolutions. If you accept that invitation, you may be accompanied by one other person, such as a friend, relative or advocate, to assist you. Impartial advice agency details can be provided, if requested. Legal representative will not be permitted. Where possible, this meeting will take place within 15 days of receipt of the written complaint.

In certain circumstances, the Academy may need to refuse a request for a particular individual to attend any such meeting; for example, if there is a conflict of interest. If this is the case, the Academy will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange an alternative companion.

The Principal (or other person appointed by the Principal for this purpose) will then conduct their own investigation. Once all the relevant facts have been established as far as possible, you will be provided with a written response to the complaint, including a full explanation of the decision and the reasons for it. This will include what action the Academy will take to resolve the complaint (if any). You will be advised that if you are dissatisfied with the outcome of the complaint, and you wish to proceed to the next stage of the procedure, you should inform the Chair of Governors in writing within 10 Academy days.

If, in the early stages of the investigation, the Principal considers that the complaint is best dealt with immediately at Stage 3, it will be passed to the Chair of Governors, and you will be informed of this action without delay.

### **Complaint referred to the Chair of Governors in writing**

If, following the Principal's investigation, the complainant is dissatisfied, they should write to the Chair of Governors. This letter should set out the details of the complaint including evidence as set out above. The complainant should also specify what they feel would resolve the complaint, and how they feel the previous stage of the procedure has not addressed their complaint sufficiently.

The Chair of Governors or nominated Governor will review the actions taken to resolve the complaint and the issues raised by the complainant. A written conclusion of this investigation will be sent to the complainant within 20 Academy days.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the Chair of Governors in writing within 10 Academy days.

### **Stage 3: submit the complaint to an independent reviewer**

If you are dissatisfied with the decision under Stage 2, you may request that an independent reviewer be appointed to consider your complaint. Your request will only be considered if you have completed the relevant procedures at Stages 1 and 2.

To request a hearing before an independent reviewer, you should write to the Chair of Governors at the Academy address within 10 Academy days of receiving notice of the outcome of Stage 2. You should ensure that you provide copies of all relevant documents and state all the grounds for your complaint,

why you consider the complaint has not been adequately addressed, and the outcome that you are looking for. Your written request will be acknowledged within 5 Academy days of receipt.

The Chair of Governors will appoint an independent reviewer. The independent reviewer is appointed by or on behalf of the Trustees by the Chair of Governors. This person must not, at any time, have been a governor or Trustee of the Academy, or a member of staff or supply staff at the Academy, and must not have been the parent of a registered or former registered pupil at the Academy. They must also not have been directly involved in any matter detailed in the complaint.

The Clerk will support the independent reviewer to convene a meeting. Every effort will be made to enable the hearing to take place within 20 Academy days of the receipt of your request.

As soon as reasonably practicable and in any event at least 5 Academy days before the hearing, you will be sent written notification of the date, time and place of the hearing, together with brief details of the independent reviewer. Fair consideration will be given to any bona fide objection to a particular independent reviewer.

The notification will also inform you of your right to be accompanied to the meeting by a friend, relative, advocate or interpreter and explain how the meeting will be conducted. You should notify the Clerk in advance if you intend to bring anyone to the hearing. Legal representation will not be permitted.

A copy of the complaint and any other documents provided by you in support of your complaint or by the Academy in response to the complaint will be provided to the independent reviewer as soon as practicable upon receipt. Copies of these documents shall also be provided to you or the Principal (as applicable) at least 3 Academy days before the hearing. The independent reviewer reserves the right not to consider any documentation presented by either you or the Academy less than 3 Academy days prior to the hearing. The independent reviewer will decide whether to hear oral evidence from witnesses (but is not obliged to do so) and may take written statements into account.

The procedure to be followed during the meeting will be set out to the parties by letter in advance of the hearing. The independent reviewer, the complainant and the Academy representative(s) will be given the chance to ask and reply to questions.

After the meeting, the independent reviewer will consider their decision and inform the complainant, Chair of Governors/Chair of Trustees, the Principal and, where relevant, the person complained about of their decision in writing within 10 Academy days. The letter will set out the decision of the committee together with the reasons underpinning that decision.

### **Complaints against the Principal or a Governor or Trustee**

Complaints made against the Principal should be directed to the Chair of Governors.

Where a complaint is against the Chair of Governors or any member of the governing body or a Trustee, it should be made in writing to the Governance Officer in the first instance who will seek advice from the Chair of

Trustees.

The principles of the procedure and timescales set out in the general Complaints Policy will be followed.

### **Referring complaints on completion of the Academy's procedure**

If you are dissatisfied with the outcome of the complaints procedure, you can refer your complaint to the Education and Skills Funding Agency (ESFA). The ESFA will check whether the complaint has been dealt with properly by the Academy. The ESFA will not overturn the 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 complaint's procedure
- Whether the Academy was in breach of its funding agreement with the DfE
- 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-school>

### **Unreasonably persistent complainants and unreasonable complainant behaviour**

Complainants should try to limit their communication with the school while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome being reached.

There are rare circumstances where the Academy will deviate from the Complaints Procedure set out above.

These include, but are not necessarily limited to:

- Where the complainant's behaviour towards staff, governors or trustees is unacceptable, for example, is abusive, offensive or threatening.
- Where, because of the frequency of their contact with the Academy, the complainant is hindering the consideration of their or other people's complaints and/or the proper running of the Academy.
- Where the complainant's complaint is clearly vexatious and/or has patently insufficient grounds.
- Where the complainant's complaint is the same, similar to or based on the same facts of a complaint which has already been considered in full by the Academy.
- Where the complainant refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance.
- Where the complainant refuses to co-operate with the complaints investigation process.
- Where the complainant refuses to accept that certain issues are not within the scope of the

complaints procedure.

- Where the complainant insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice.
- Where the complainant introduces trivial or irrelevant information which they expect to be taken into account and commented on.
- Where the complainant raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales.
- Where the complainant makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced.
- Where the complainant changes the basis of the complaint as the investigation proceeds.
- Where the complainant repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed).
- Where the complainant refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed, including referral to the ESFA.
- Where the complainant seeks an unrealistic outcome.
- Where the complainant makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.
- Where the complainant uses threats to intimidate.
- Where the complainant uses abusive, offensive or discriminatory language or violence.
- Where the complainant knowingly provides falsified information.
- Where the complainant publishes unacceptable information on social media or other public forums.
- In these circumstances, the Academy may inform the complainant that their behaviour is unacceptable or unreasonably persistent and ask them to change it
- Restrict the complainant's access to the Academy e.g. requesting contact in a particular form (for example, letters only), requiring contact to take place with a named person only, restricting telephone calls to specified days and times or banning the complainant from the Academy's premises.
- Conduct the independent review on the papers only i.e. not hold a meeting;
- Refuse to consider the complaint and refer the complainant directly to the ESFA or DfE.

In all cases the Academy will write to tell the complainant why we believe his or her behaviour is unacceptable or unreasonably persistent, what action we are taking and the duration of that action. Where the behaviour is so extreme that it threatens the immediate safety and welfare of staff or governors, we will consider other options, for example reporting the matter to the police or taking legal action. In such cases, we may not give the complainant prior warning of that action.

### **Student Complaints**

The Academy welcomes feedback from our students and use this to shape and develop the service we provide. We take each complaint seriously and aim to resolve any issues as quickly as possible. To ensure a range of needs are met we have a variety of methods for students to raise a complaint and/or informal concerns.

- Speak to a member of staff
- Complete help box form (see appendix C)
- Speak or email the complaints administrator, Verity Clark [vclark@thedeafacademy.ac.uk](mailto:vclark@thedeafacademy.ac.uk)

The complaint/Informal concern will then be looked into by a member of staff or depending on the severity, the safeguarding and welfare team or Deputy Manager for Residential Care. The student will then receive results within ten Academy days.

If this does not resolve the matter, multiple complaints are made in regards to the same issue or the needs of the student indicate they may not understand the process, then a formal complaint should be raised.

Formal complaints are then investigated by the Head of Care or Head of School/Head of College (or someone appointed by the Assistant Principal's), and a response will be given both in writing and in a face-to-face meeting.

If the formal complaint still does not resolve the matter the complaint will be escalated to the Principal.

Please see Appendix B for Student Complaint flow diagram

### **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 the independent reviewer. The records may also be reviewed by the Governing Body Vice Chair as part of the monitoring arrangements as referred to below.

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 an Academy inspection.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law.

### **Learning lessons**

Serious complaints (as defined by the Principal) should be brought to the attention of the Governing Body when they occur. The Governing Body should also be alerted if there is a significant increase in minor complaints.

An annual report on complaints should be presented to the Governing Body. This report should contain

robust data and include an analysis of trends over time.

The Education Standards Committee and Care and Safeguarding Committee will review any underlying issues raised by complaints with the 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.

### **Monitoring arrangements**

The Governing Body Vice Chair will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The Governing Body Vice Chair will track the number and nature of complaints and review underlying issues at least annually.

The complaints records are logged and managed by the Principal's Executive Assistant.

This policy will be reviewed by the Principal annually.

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

### **Links with other policies and procedures**

Policies dealing with other forms of complaints include:

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

## Appendix A

### Complaints Form

Please complete and return to the Principal's Executive Assistant, who will acknowledge receipt and explain what action will be taken.

|   |
|---|
| Your name:  |
| Address:  |
| Postcode:   |
| Day time telephone number:  |
| Mobile Telephone Number:  |
| Email Address:  |
| What is your preferred means of communication? Letter / telephone / email / text / video call                             |
| Please give details of your complaint:  |
| What action, if any, have you taken to try to resolve your complaint?<br>(Who did you contact 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 and by who:  
  
Complaint referred  
to:  
Date:

## Appendix B

### Student Complaint Procedure



