

Honiton Community College

Academy Trust



**This Policy was adopted by the Governing Body of
Honiton Community College Academy Trust
on 3rd February 2016
and will be reviewed every two years.**

Academy Complaints Officer:

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HCC COMPLAINTS PROCEDURE POLICY

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Please note that within this document:

- 'Academy Days' means 'Academy Working Days'

This policy will apply to most general complaints received by the Academy. It is not intended to cover those matters for which there is a specific statutory process to object, complain or appeal. This procedure will apply to parents/carers of attending pupils and also complainants who are not the parents/carers of attending pupils.

Statement of Policy

Dealing with Complaints: Informal Procedures

The Academy must be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.

Concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally. In most cases the class teacher or the individual delivering the service in the case of extended Academy provision, will receive the first approach. It would be helpful if staff were able to resolve issues on the spot, including apologising where necessary.

Part 1 - Dealing with Complaints: Formal Procedures

Formal procedures will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

The Academy has nominated a member of staff who has responsibility for the operation and management of the Academy's complaints procedure. This person will be referred to as the Academy's Complaints Officer.

Framework of Principles

The Academy's Complaints Procedure is designed to:

- encourage resolution of problems by informal means wherever possible;
 - be easily accessible and publicised (the policy and procedure are available on request as outlined in the prospectus);
 - be simple to understand and use;
 - be impartial;
 - be non adversarial;
 - allow swift handling with established time limits for action and keeping people informed of the progress;
 - ensure a full and fair investigation by an independent person where necessary;
 - respect people's desire for confidentiality;
 - address all the points at issue and provide an effective response and appropriate redress, where necessary;
- and
- provide information to the Academy's senior leadership team so that services can be improved.

Investigating Complaints

At each stage, the person investigating the complaint (the Complaints Officer), will ensure that they:

- establish what has happened so far, and who has been involved;
- clarify the nature of the complaint and what remains unresolved;
- meet with the complainant or contact them (if unsure or further information is necessary);
- clarify what the complainant feels would put things right;
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conduct the interview with an open mind and be prepared to persist in the questioning; and
- keep notes of the interview.

Resolving Complaints

At each stage in the procedure the Academy will consider ways to resolve a complaint. 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 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; and
- an undertaking to review Academy policies in light of the complaint.

Complainants should 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. It is important to clarify any misunderstandings that might have occurred in order to create a positive atmosphere in which to discuss any outstanding issues.

Vexatious Complaints

If followed properly, the complaints procedure will limit the number of complaints that become protracted. However, 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 is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

Time Limits

Complaints will be considered, and resolved, as quickly and efficiently as possible. Realistic time limits for each action within each stage must be set. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

What the college expects of you

Whilst the college recognises that some complaints may relate to serious and distressing incidents, the college will not accept threatening, inappropriate or harassing behaviour. The college has a duty of care to staff and pupils and will take emergency measures should these become necessary in extreme cases.

The college expects anyone who wishes to raise concerns with the college to:

- Treat all staff with courtesy and respect;
- Respect the needs of pupils and staff within the college;
- Never to use violence (including threats of violence) towards people or property;
- Recognise the time constraints under which members of staff in colleges work and allow the college a reasonable time to respond to a complaint;
- Recognise that some problems may not be resolved in a short time;
- Follow the college's complaints procedure;
- Speak politely and respectfully using appropriate language and avoid any aggression or verbal abuse, including name-calling;
- Raise concerns/complaints in an appropriate place and at an appropriate time (for example not in front of other parents or pupils and not in an open public space);
- To be prepared to work towards a resolution and in partnership with the college;

Part 2 - The Formal Complaints Procedure

The Stages of Complaints

A flow chart of the three stages of complaint is in Appendix C. There may, on occasion, be the need for some flexibility; for example, the possibility of further meetings between the complainant and the member of staff directly involved and further investigations may be required by the Principal after a meeting with the complainant.

The three stages are:

- Stage 1: complaint heard by staff member or Complaints Officer:

If the complainant is not satisfied with the initial response, they should make the Principal or his/her nominated representative aware of the complaint within 10 Academy days of the response. This should be in writing and recorded by the Academy to ensure that everyone is very clear what the focus of the complaint is. If the complaint cannot be resolved within 5 school days of receipt of the complaint (at stage 1) the Principal or his/her nominated representative will set a target date for any investigation to be completed.

- Stage 2: complaint heard by the Principal or his/her nominated representative;

The target date should be no longer than 10 Academy days. The response to the complaint should be in writing and the complainant reminded how to proceed to the next step.

At this stage

- Stage 3: complaint heard by the Governing Body's Complaints Appeal Panel (3 members); One which must be independent of the Management and the running of the Academy.

If the complainant is not satisfied with the response at Stage 2, they should make the Chair of the Governing Body aware of the complaint within 10 Academy days of the response from the Principal or his/her nominated representative. This should be in writing and recorded by the Academy to ensure that everyone is very clear what the focus of the complaint is. Parents will be invited to attend the panel hearing, if they wish, and may be accompanied by a friend or chosen representative.

The full Governing Body should only be informed that a complaint is being heard – details should be withheld to ensure that the remaining members of the Governing Body are available should the outcome result in any action being taken under other procedures e.g. disciplinary.

The Governing Body reserves the right to allow, or not, another external agency to carry out an independent appeal or review.

The Chair of the Governing Body will investigate complaints against the Principal. A member of the Governing Body, who has not been involved in the issue previously, will hear a complaint against a member of the Governing Body. All relevant parties, complainant, academy, Principal and where relevant, the person complained about, will be given a copy of any findings and recommendations.

The complaints procedure in summary form is in Appendix B.

Part 3 – Managing and Recording Complaints

Recording Complaints

A complaint may be made in person, by telephone, or in writing. A proforma complaint form can be found in Appendix D. At the end of a meeting or telephone call, the member of staff should ensure that the complainant and the Academy have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls should be kept and a copy of any written response added to the record to the Complaints Officer.

The Complaints Officer is responsible for holding such records securely and confidentially. All correspondence, statements and records must be held confidentially but shown to HMI, if requested, during inspection.

Governing Body Review

The Personnel Committee can monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. Complaints information shared with the whole Governing Body will not name individuals.

As well as addressing an individual's complaints, the process of listening to, and resolving, complaints will contribute to the Academy's improvement. When individual complaints are heard, the Academy may identify underlying issues that need to be addressed. The monitoring and review of complaints by the Academy and the Governing Body is a useful tool in evaluating the Academy's performance.

Complaints Appeal Panel

The panel will be drawn from the Governing Body and may consist of three or five people, one which must be independent of the Management and running of the Academy. The panel choose their own chair. The 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; and
- recommend changes to the Academy's systems or procedures to ensure that problems of a similar nature do not recur.

There are several points, which any member of the Governing Body sitting on the Complaints Panel needs to remember:

a. It is important that the appeal hearing is independent and impartial and that it is seen to be so. No Governing Body member may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, Governing Body members need to be sensitive to the issues of race, gender and religious affiliation.

b. The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the Academy and the complainant. However, it has to be recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.

c. Section removed.

d. Section removed.

e. The Governing Body members sitting on the panel need to be aware of the complaints procedure.

A clerk, who would be the contact point for the complainant, is required to provide the administration for the Complaints Panel and be 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 and safely archive all written records;
- notify all parties of the panel's decision and recommendation in writing; and
- ensure confidentiality of process and written materials while adhering to the Data Protection Act, Freedom of Information Act and all other relevant legislation.

The Chair of the Panel has a key role, to ensure that:

- the correct procedure has been followed;
- the clerk is notified to arrange a panel if a hearing is appropriate;
- 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; and
- 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 panel needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response; this is usually within a set deadline which is publicised in the procedure, the deadline being 10 days for a response to be received. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

The EFA (Education Funding Agency)

The EFA can support academies to achieve a compliant procedure but it is the responsibility of academy trusts to make sure that their complaints procedure is fully compliant. The responsibility of the EFA is to ensure academies comply with their funding agreements.

If a complaint comes to the EFA they will check whether the complaint has been dealt with properly by the academy. They will consider complaints about academies that fall into any of the following three areas:

1. where there is undue delay or the academy did not comply with its own complaints procedure when considering a complaint
2. where the academy is in breach of its funding agreement with the Secretary of State
3. where an academy has failed to comply with any other legal obligation

The EFA will not overturn an academy's decision about a complaint. However, if they find an academy did not deal with a complaint properly they will request the complaint is looked at again and procedures meet the requirements set out in the Regulations.

If the academy's complaints procedure does not meet the Regulations, they will ask the academy to put this right. The EFA may seek to enforce the decision under the terms of the funding agreement on behalf of the Secretary of State, if appropriate.

Complainants not satisfied with the way in which their complaint has been handled by the academy, should refer to the EFA's complaints system which can be found at:

<https://www.education.gov.uk/schools/leadership/schoolperformance/school-complaints-form>

Publicising the Procedure

There is a legal requirement, for the Complaints Procedures to be publicised (see Appendix A). The Academy's Governing Body have to decide how to fulfil this requirement by referring to the procedure in the:

- the prospectus;
- the Governing Body's Annual General Meeting;
- the information given to new parents when their children join the Academy;
- the information given to the children themselves;
- the home-school agreement;
- the Academy website.

Appendix A

The Act

Section 157 of the Education Act 2002 requires in terms of independent school Standards, that:

Regulations shall prescribe standards about the manner in which independent schools handle complaints.

The Education (Independent School Standards) (England) Regulations 2003 which came into force on 1st September 2003 require in paragraph 6 that:

A school shall provide to parents of pupils and prospective Students on request to others, including the Chief Inspector and the Secretary of State, details of the complaints procedure set out in accordance with paragraph 7, and the number of complaints registered under the formal procedure during the preceding school year.

Appendix B

Check List for a Panel Hearing

The panel needs to take the following points into account:

- the hearing is as informal as possible
- witnesses are only required to attend for the part of the hearing in which they give their evidence
- after introductions the complainant is invited to explain their complaint, and be followed by their witnesses
- the Principal may question both the complainant and the witnesses after each has spoken
- the Principal is then invited to explain the Academy's actions and be followed by the Academy's witnesses
- the complainant may question both the Principal and the witnesses after each has spoken
- the panel may ask questions at any point
- the complainant is then invited to sum up their complaint
- the Principal is then invited to sum up the Academy's actions and response to the complaint
- both parties leave together while the panel decided on the issues
- the Chair explains that both parties will hear from the panel within a set time scale

Appendix C

How to make a complaint

We want to give parents/carers, students and the local community the best possible service, but we know that we can't get it right all of the time. This sheet explains what to do if things go wrong and you wish to complain.

1. Contact the member of staff or head of the department that has given you cause for concern or get in touch with the Complaints Officer at the Academy

It is in everyone's interest that complaints are resolved as quickly as possible. If you think that someone at the Academy has made a mistake or let standards slip, please contact the person responsible and they will try to sort out the problem straight away. If you do not know the person to contact, or would prefer to contact someone else to discuss your concern, ask for the Complaints Officer. You can:

- **visit** the Academy and ask to speak to the person concerned or the Complaints Officer.
- phone 01404 42283 and ask to speak to the person concerned or to the Complaints Officer
- fax the person concerned or the Complaints Officer on 01404 44491 with details of your complaint (please note that a number of staff operate the fax machine, so this may not be the most confidential way to contact us)
- e-mail admin@honitoncollege.devon.sch.uk Your e-mail will either be dealt with by the Complaints Officer or forwarded to the person concerned
- write to the person concerned, or to the Complaints Officer, at:

Honiton Community College Academy Trust

School Lane

Honiton

Devon

EX14 1QT

If you have a concern about the Complaints Officer and would prefer not to speak to that person, ask to speak to another staff member (e.g. the Principal or Vice Principal). If your complaint concerns the Principal, the Complaints Officer can refer you to the Chair of the Governing Body.

2. If you are not satisfied, you can make an official complaint

If you have made a complaint but are unhappy with the way it has been dealt with or you are not happy with the outcome, you can make an official complaint to the Principal. You can contact the Principal using any of the methods described above. Your complaint will be investigated and you will be contacted within 10 Academy days with a response. If your complaint is complicated our investigations may take longer than 10 Academy days, but we will write to you and let you know when we will be able to give you a full response.

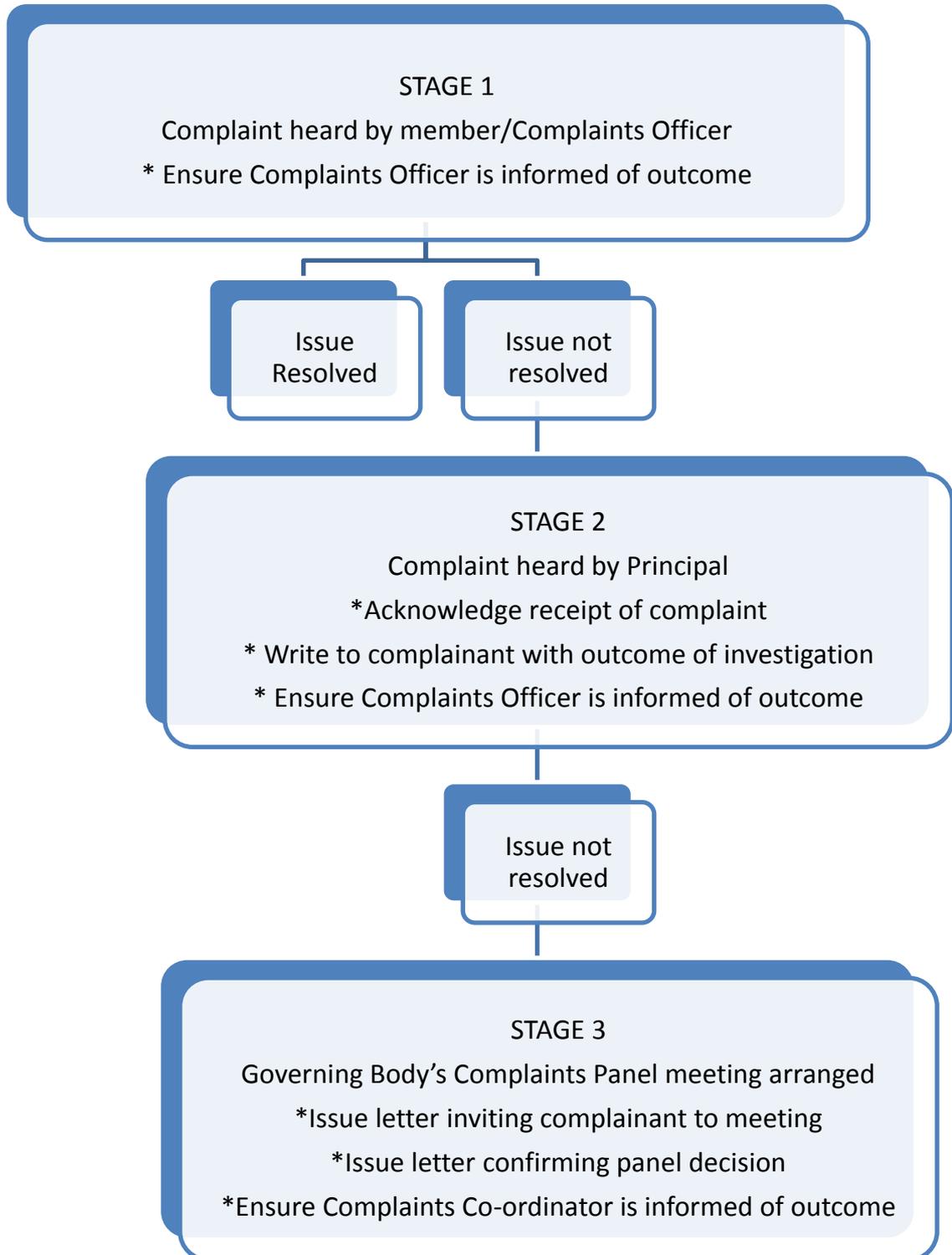
3. If you are still not satisfied, you can contact the Governing Body

When we have fully investigated your complaint, and if you are still not satisfied, you can contact the Chair of the Governing Body who will convene an independent Governing Body Complaints Panel to look into your complaint, and notify you of the result and whether there is any further right of appeal.

Appendix D

Flowchart

Summary of Dealing with Complaint



Appendix E

Honiton Community College Academy Complaint Form

Please complete and return to Complaints Officer (Honiton Community College Academy Trust, School Lane, Honiton, Devon. EX14 1QT). The Complaints Officer will acknowledge receipt and explain what action will be taken.

Your Name : _____

Student's name (if applicable) : _____

Your relationship to the student : _____

Address : _____

_____ Post Code : _____

Day time telephone number : _____

Evening telephone number : _____

Please give details of your complaint (continue on a separate sheet if more space required)

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?

Are you attaching any paperwork? If so, please give details

Signature:

Date:

OFFICIAL USE

Date Received

Date Acknowledged

By Whom

Complaint referred to:

DOCUMENT HISTORY

The following amendments were agreed by the Personnel Committee on the 22nd January 2014 and adopted by the Full Governing Body on the 12th February 2014.

- **Part 2 (The Formal Complaints Procedure, The Stages of Complaints At this stage, Final Paragraph)** – *'Complaints against the Principal will be investigated by the Chair of the Governing Body'* amended to *'The Chair of the Governing Body will investigate complaints against the Principal'* for clarity and
- **Part 2 (The Formal Complaints Procedure, The Stages of Complaints At this stage, Final Paragraph)** – *'A complaint against a member of the Governing Body will be heard by a member of the Governing Body who has not been involved in the issue previously'* amended to *'A member of the Governing Body, who has not been involved in the issue previously, will hear a complaint against a member of the Governing Body'*.
- **Part 3 (Governing Body Review, First Sentence)** – *'The Governing Body can monitor...'* amended to *'The Personnel Committee can monitor...'*
- **Part 3 (Complaints Appeal Panel, Paragraph c)** – *'c. 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 layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial. Parents may be accompanied to the panel hearing if they so wish'* removed.
- **Part 3 (Complaints Appeal Panel, Paragraph c)** – *'d. Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent/carer is the complainant, it would be helpful to give the parent/carer the opportunity to say which parts of the hearing, if any, the child needs to attend.'* removed.
- **Part 3 (Complaints Appeal Panel, Paragraph e)** – *'The Complaints Panel should be serviced by a clerk who would be the contact point for the complainant and be required to'* amended to *'A clerk, who would be the contact point for the complainant, is required to provide the administration for the Complaints Panel and:'*.
- **Publishing the Procedure** – reference to Appendix A included in the first sentence.
- **Appendix B** – Appendix B to only include the 'Check list for a Panel Hearing'. The following has been removed:

The Academy Complaints Procedure

Stage One: Complaint Heard by Staff Member

It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the Academy can be crucial in determining whether the complaint will escalate. To that end, if the staff are made aware of the procedure, they know what to do when they receive a complaint.

It would assist the procedure if the Academy respected the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the Complaints Co-ordinator can refer the complainant to another staff member. Where the complaint concerns the Principal, the Complaints Co-ordinator should refer the complainant to the Governing Body.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the Complaints Co-ordinator may consider referring the complainant to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial.

Where the first approach is made to a Governing Body Member, the next step would be to refer the complainant to the appropriate person and advise them about the procedure. It would be useful if Governing Body Members did not unilaterally act on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

Stage Two: Complaint Heard by the Principal

The Principal's influence will already have shaped the way complaints are handled in the Academy. At this point, the complainant may be dissatisfied with the way the complaint was handled at stage one as well as pursuing their initial complaint. The Principal may delegate the task of collating the information to another staff member, but not the decision on the action to be taken.

Stage Three: Complaint Heard by Governing Body Complaints Appeal Panel

The complainant needs to write to the Chair of the Governing Body giving details of the complaint. The Chair, or a nominated Governing Body Member, will convene a Governing Body Complaints Panel none of whose members will have been directly involved in previous consideration of the complaint. One of the members of the panel must be independent of the management and running of the Academy.

The Governing Body Members appeal hearing is the last Academy-based stage of the complaints process, and is not convened to merely rubber-stamp previous decisions.

Individual complaints would not be heard by the whole Governing Body Members 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.

The Governing Body Members may nominate a number of members with delegated powers to hear complaints at that stage, and set out its terms of reference. These can include:

- drawing up its procedures
- hearing individual appeals
- making recommendations on policy as a result of complaints

The procedure adopted by the panel for hearing appeals would normally be part of the Academy's complaints procedure. The panel can be drawn from the nominated members and may consist of three or five people. The panel may choose their own Chair.

The Remit of The Complaints Appeal Panel

The panel can:

- dismiss the complaint in whole or 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 or procedures to ensure that problems of a similar nature do not recur

There are several points which any Governing Body Member sitting on a complaints panel needs to remember:

a. It is important that the appeal hearing is independent and impartial and that it is seen to be so. No Governing Body Member may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, Governing Body Members need to try and ensure that it is a cross-section of the categories of Governing Body Members and sensitive to the issues of race, gender and religious affiliation.

b. The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the Academy and the complainant. However, it has to be recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.

c. 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, and may choose to be

accompanied. The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is as informal and not adversarial.

d. Extra care needs to be taken when the complainant is a student. Careful consideration of the atmosphere and proceedings will ensure that the student does not feel intimidated. The panel needs to be aware of the views of the student and give them equal considerations to those of adults. Where the student's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the student needs to attend.

Governing Body Members sitting on the panel need to be aware of the complainant's procedure.

Roles and Responsibilities

The Role of the Clerk

It is strongly recommended that any panel or group of Governing Body Members considering complaints be clerked. The clerk would be the contact point for the complainant and be 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 and safely archive all written records
- notify all parties of the panel's decision and recommendations in writing
- ensure confidentiality of process and written materials while adhering to the Data Protection Act, Freedom of Information Act and all other relevant legislation.

The Role of the Chair of the Governing Body or the Nominated Governing Body Member

The Nominated Governing Body Member:

- check that the correct procedure has been followed
- if a hearing is appropriate, notify the Clerk to arrange the panel

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 key 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

Notification of the Panel's Decision

The Chair of the Panel needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response; this is usually within a set deadline which is publicised in the procedure. The letter needs to explain if there are any further rights of appeal and, if so, to whom they may need to be addressed.

The following amendments are to be considered by the Personnel Committee on the 11th March 2015:

- Additional paragraph added at start of policy 'This policy will apply to most general complaints received by the academy. It is not intended to cover those matters for which there is a specific statutory process to object, complain or appeal. This procedure will apply to parents/carers of attending pupils and also complainants who are not the parents/carers of attending pupils.'
- Additional section added (page 5) – 'What the college expects of you'
- Additional section added (page 7) – 'The Education Funding Agency'
- Publicising the Procedure (Page 8) – list updated