



Complaints Procedure

September 2020

Purpose of the procedure

The purpose of this procedure is to ensure an equitable and consistent approach to dealing with concerns or complaints in the interests of all parties. It is important to us that all matters raised are dealt with fairly and impartially and it is our experience that most queries or concerns can be resolved satisfactorily through discussion or providing clarification and/or further information. If you are concerned about anything, please let us know.

1. Range

- 1.1. A 'concern' may be defined as '*an expression of worry or doubt over an issue considered to be important for which reassurances are sought*'. We welcome telephone calls or emails from parents who want to discuss a concern before it becomes a complaint.
- 1.2. A 'complaint' may be generally defined as "*an expression of dissatisfaction however made, about actions taken or a lack of action*". It is expected that a complainant will have made reasonable attempts to seek an informal resolution prior to making a formal complaint.

2. Scope

- 2.1. Anyone who has a genuine interest in the Academy, may use this procedure.
- 2.2. It will be at the Head of School's discretion to decide if an anonymous complaint warrants an investigation, but it is usually proper to disregard such complaints.
- 2.3. This procedure covers all complaints about any provision for facilities or services that the Academy provides with the exceptions of those stated in Section 4 for which there are separate (statutory) procedures.
- 2.4. The appropriate person will investigate a concern or complaint depending on the nature of the complaint.

3. Communicating a concern or complaint

- 3.1. The majority of issues can be resolved informally, without the need to invoke formal procedures. Both the Academy and complainants should have the opportunity to resolve their concerns or complaint on an informal basis. Initial concerns are often best directed to the student's Subject Teacher or Form Tutor. However, there are occasions when complainants would like to raise their concerns formally and the procedure for this is outlined in Section 13.

4. Expectations of the Academy

- 4.1. Those who raise a concern or complaint can expect the Academy to:
 - 4.1.1. Be professional. You may not always agree with our decision, but we will explain our reasons.
 - 4.1.2. Respond within a reasonable time and with courtesy and respect.
 - 4.1.3. Treat the matter fairly, thoroughly and efficiently, attempting to resolve problems using reasonable means.
 - 4.1.4. Ensure that nobody will be victimised as a result of a complaint being made.
 - 4.1.5. Communicate verbally and/or in writing about the progress towards a resolution and/or the outcome of the complaint.
 - 4.1.6. Consider making reasonable adjustments if required, in accordance with equality law.

5. Expectations of Complainants

- 5.1. The Academy can expect those who raise a concern or complaint with the Academy to:
 - 5.1.1. Treat all Academy staff with courtesy and respect.
 - 5.1.2. Avoid any use, or threatened use, of violence to people or property.
 - 5.1.3. Avoid any aggression or verbal abuse.
 - 5.1.4. Recognise the time constraints under which members of staff work and allow reasonable time to respond and resolve a specific problem.
 - 5.1.5. Understand that the Academy will not discuss specific consequences or sanctions given to a member of staff or student as a result of a complaint.

6. Complaint Campaigns

- 6.1. Should there be a large volume of complaints all based on the same subject or from complainants not connected to the Academy, a template response will be issued and/or a single response published on the website.

7. Outcomes could include;

- 7.1. The complaint is not substantiated
- 7.2. An explanation or clarification
- 7.3. An apology from either party
- 7.4. Action to put matters right and/or prevent recurrence

8. Timescales

- 8.1. Complaints should be raised as soon as possible. A complaint raised more than 3 months after the incident has occurred is unlikely to be considered.
- 8.2. The designated timescales apply during term time. Complaints received outside of term time will be considered received on the first day after the holiday period.
- 8.3. Where, for reasons beyond his/her control, such as the complexity of the complaint or the availability of witnesses etc., the Head of School or Chair of Governors is unable to comply with the timescales outlined in this policy, he/she will inform the complainant in writing before the date by which the outcome was expected.

9. Confidentiality

- 9.1. All conversations and correspondence will be treated with discretion, however, all parties to a complaint will need to be aware that some information may have to be shared with others involved in the operation of the complaints procedure.
- 9.2. Complainants should be aware that a written record will be maintained of all meetings.

10. Record Keeping

- 10.1. Recording of a complaint will begin at the point when a concern has become a complaint that cannot be resolved immediately but needs investigation and/or consultation with others in the Academy and will require a later report back to the complainant.
- 10.2. Recording at the earliest stage needs only be a very basic record of the complaint, giving the date, name of complainant and general nature of the complaint. Brief notes of meetings and telephone calls should be kept, and a written response added to the record.
- 10.3. The Academy will record the progress of the complaint and the outcome.
- 10.4. Records will be held centrally in line with GDPR.
- 10.5. No electronic devices are to be used for the purpose of recording any meetings related to the complaints procedure, by either party.

11. Entitlement to be accompanied to meetings

- 11.1. Complainants can be accompanied to meetings by either a friend or relative; however, they will be required to confirm the name and nature of their relationship with the person who is accompanying them at least 2 working days prior to the meeting.
- 11.2. As recommended by the Department of Education Best practise guidance for school complaints procedures 2019, these committee meetings are not a form of legal proceedings, therefore neither the complainant nor the Academy will bring legal representation.
- 11.3. Should a member of staff be a witness in a complaint they are entitled to bring union representation.

12. The Complaints Procedure

12.1. Informal Stage

- 12.1.1. Most concerns and complaints can be resolved informally.
- 12.1.2. There are many occasions where concerns can be resolved quickly and efficiently. Concerns should be referred initially to the appropriate member of staff and this may be by email, letter, telephone or in person by an appointment made at a mutually convenient time.
- 12.1.3. The member of staff will **aim** to acknowledge the concern/complaint orally, in

writing or by email within 2 Academy working days and respond to the complainant as soon as practical either by email, in writing, by telephone or during an arranged meeting.

- 12.1.4. The staff member dealing with the concern will make sure all parties are at least verbally informed of what action (if any) or monitoring of the situation has been agreed.
- 12.1.5. Where no satisfactory solution has been found within a maximum of 15 Academy working days of acknowledgement, complainants can ask for their concern to be considered further, under Formal Stage 1.
- 12.1.6. If the concern relates to the Head of School, the complainant should contact the Chair of the Governors, via the Clerk.

12.2. Formal Stage 1 – Head of School

- 12.2.1. If the complaint is not resolved at the Informal Stage, the complainant must write to the Head of School within 15 Academy working days of receiving the outcome of the informal complaint.
- 12.2.2. The complainant should include details that might assist the investigation, such as names of potential witnesses, dates and times of events and copies of relevant documentation.
- 12.2.3. The Head of School may delegate the task of investigation to an Investigating Officer.
- 12.2.4. The Head of School (or Investigating Officer) should **aim** to acknowledge the complaint orally, in writing or by email, within 2 Academy working days of receiving the complaint, confirming the nature of the complaint.
- 12.2.5. The Head of School (or Investigating Officer) may meet the complainant to discuss/resolve the matter directly. The complainant may be accompanied by a friend or relative (please refer to Section 12 of this document).
- 12.2.6. The Academy will provide a written response to the complaint within 15 Academy working days, if this is delayed, an email or letter will be sent explaining the reason for the delay and giving a revised target date for a response. A written response will include a decision and the reasons for it. Where appropriate, this will include what action the Academy will take to resolve the complaint.
- 12.2.7. If the complainant wishes to take the complaint further, they should notify the Chair of Governors within 15 school days of receiving the outcome letter.

12.3. Formal Stage 2 - Governors

- 12.3.1. Upon receipt of a written complaint, appropriate to this stage of the procedure, the Clerk to the Governors will notify the Chair of Governors so that a review can be instituted.
- 12.3.2. The Clerk to the Governors will write to the complainant to acknowledge the complaint on behalf of the Chair of Governors. The Clerk will also write and inform the complainant, Head of School, any relevant witnesses, and members of the committee at least 10 Academy working days in advance, of the date, time and place of the meeting.
 - 12.3.2.1. Meetings can be convened in the complainant's absence providing reasonable attempts have been made to accommodate alternative dates or if they refuse to attend.
 - 12.3.2.2. The notification to the complainant will also inform him/her of the right to be accompanied to the meeting by a friend/advocate (see Section 12). The letter will also explain how the meeting will be conducted and the complainant's right to submit further written evidence to the Committee which should be made available at least 5 Academy working days prior to the meeting so that this can be circulated to all committee members.
 - 12.3.2.3. The Clerk to the Governors will arrange to convene the Complaints Committee for the above purpose comprising of three people not directly involved in the matters detailed in the complaint; generally, this will be the Chair or Vice Chair of Governors, another governor and one person independent of the management and running of the Academy. If not previously involved, the Chair of Governors should chair the committee; otherwise, the Vice-Chair should do so. Generally, it is not appropriate for the Head of School to have a place on the committee.
 - 12.3.2.4. The Chair/Vice Chair of Governors will ensure that the complaint, where possible, is heard by the committee within a maximum of 20 Academy working days of the receiving the written letter. All relevant correspondence regarding the complaint will be made available to the

committee members and the complainant at least 5 Academy working days before the hearing, where possible.

- 12.3.2.5. The Chair/Vice-Chair of Governors will invite the Head of School to attend the committee meeting and prepare a written report for the committee in response to the complaint. The Head of School may also invite members of staff directly involved in matters raised by the complainant, to respond in writing or in person to the complaint.

13. The Review Meeting

- 13.1. The aim of the meeting should be to resolve the complaint and achieve reconciliation between the Academy and the complainant. However, it must be recognised that sometimes it may only be possible to establish facts and make recommendations, which will satisfy the complainant that his or her complaint has been taken seriously.
- 13.2. If either party attempts to introduce previously undisclosed evidence or witnesses, it may be necessary to adjourn the meeting so that the other side has time to consider and respond to the new evidence or alternatively not allow the new evidence or witnesses to be considered. This will be at the discretion of the Chair.
- 13.3. The meeting will follow the procedure and model agenda set out in Appendix 1 and 2.
- 13.4. A copy of all correspondence and notes will be kept in line with GDPR.

14. Further Steps

- 14.1. If you do not feel that your complaint has been resolved through Formal stage 2 - Governors, you may ask the Trust to consider your complaint by putting your complaint in writing to the CEO/Executive Headteacher. Your complaint will be acknowledged within 5 Academy working days. The CEO, or someone appointed by them will usually invite you to a meeting to clarify your complaint and explore possible resolutions. You may bring a friend to that meeting (see point 12).
- 14.2. If necessary, a further investigation will take place and 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 Trust will take to resolve the complaint (if any).
- 14.3. If you are dissatisfied with the outcome of the complaint to the CEO you may request that your complaint be heard by the Trustees Complaints committee. This review will follow the same process as described in Appendix 2 but with a panel of Trustees. The CEO and/or Chair of the Governors Complaints committee may be asked to present to the committee regarding previous outcomes.
- 14.4. If the complainant believes the Trust did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in their exercise of the duties under education law, they can contact the Education and Skills Funding Agency (ESFA) after they have completed a Trustee review. The ESFA has limited powers to review the handling of a complaint in accordance with their "Procedure for dealing with complaints about Academies" www.gov.uk/complain-about-school

15. Other complaints

- 15.1. **Complaints concerning members of staff with responsibility for investigating complaints.**
 - 15.1.1. Where a complaint concerns in whole or part the conduct of the member of staff responsible for investigating complaints, the member of staff should, on receipt of the formal complaint, immediately refer the matter to the Head of School. Either the Head of School may designate another member of staff to act as the member of staff with responsibility for investigating the complaint, or they may deal with the complaint themselves.
- 15.2. **Complaints concerning the Head of School**
 - 15.2.1. In these cases, the Chair of Governor must investigate the complaint and may draw on other third parties for assistance.
- 15.3. **Complaints concerning the CEO/Exec. Headteacher/Chair of Governors/Governing Body or a Trustee**
 - 15.3.1. In these cases, the Chair of Trustees must investigate the complaint.
- 15.4. **Complaints concerning the Chair of Trustees**
 - 15.4.1. The complaint will be referred to the Members.
- 15.5. **Complaints by members of the Governors, Trustees and students**
 - 15.5.1. Complaints by members of the Governors or Trustees will be dealt with in accordance with this policy and procedure.
 - 15.5.2. The Trustees will delegate the responsibility of managing complaints by students to the Head of School.

16. Withdrawal of Complaints

16.1. Formal complaints may be withdrawn at any stage by notice in writing.

17. Serial, Persistent or unreasonable Complaints and/or Complainants

17.1. There will be occasions when, despite all stages of the complaints procedure having been followed, the complainant remains dissatisfied and/or where the complainant is deemed to be 'vexatious'. This could be because it is clear that the complainant has insufficient grounds for complaint and is seeking to annoy, or that a complaint has been investigated and is found not to be justified, but the complainant engages in making further accusations relating to the same issue or seeks unrealistic outcomes.

17.1.1. Any such case will be dealt with on an individual basis but the Head of School or a representative of the Trust reserves the right to close the complaint if the complainant is deemed to be vexatious and to determine that the matter is concluded.

Appendix 1

- 1) Complaints Hearing Panel; referred to as the Complaints Committee will consist of two Governors and one person independent of the management and running of the school. If, not previously involved, the Chair of the Governors should chair the committee; otherwise, the Vice- Chair should do so.
- 2) The Clerk to the Governors will draw up the agenda and make all the necessary arrangements for the meeting.
- 3) The committee has the power to make decisions on behalf of the Governors and may;
 - a) Uphold the complaint
 - b) Uphold it in part, or
 - c) Dismiss the complaint
- 4) Where the issue under consideration does not fall within the remit of the committee, the panel may still wish to make recommendations.
- 5) **Procedure for a Complaints Committee meeting**
 - a) **Before a Meeting**
 - i) Where possible a copy of the agenda, the complaint, and any written response from the Head of School should be sent to the Complaints Committee members at least 5 Academy working days before the meeting. Each member must immediately read the papers to check that they have no significant involvement with the case under consideration but should not discuss it with anyone else. If they need to withdraw from the committee, the Clerk to the Governors should organise a substitute.
 - ii) If there are witnesses, the Chair should agree with the committee who should be invited in to speak to the committee and in what order; at no time should the complainant, Head of School or a witness be able to talk to committee members without both the complainant and Head of School being present; these arrangements may have to be modified if one or more of the parties have absented themselves from the meeting.
 - b) **The Meeting**
 - i) A model agenda is set out *in Appendix 2*.
 - ii) The committee are not bound to accept tabled papers and may adjourn if they feel that they need time to consider an unexpected issue, including procedural issues.
 - iii) It is not usually appropriate for a child/student to attend.
 - c) **Chair's Role**
 - i) **During the meeting the Chair:**
 - (1) Will explain the proceedings.
 - (2) Will hear the complaint by keeping to the agenda and reminding participants as necessary about the procedure, e.g. if interruptions occur.
 - (3) Is responsible for controlling the meeting and will use their judgement to move the meeting on when necessary and **aim** towards a resolution by reaching a conclusion on the written and oral evidence presented at the meeting.
 - (4) Will act impartially by treating all participants fairly.
 - (5) At his/her discretion will invite witnesses to join the meeting when their input is required and to leave immediately afterwards.
 - (6) will try to ensure that any witnesses waiting are called in due course if required or released if it becomes apparent that they will not be seen.
 - ii) **The Chair will explain the proceedings by:**
 - (1) Inviting introductions.
 - (2) Explaining the agenda will be followed.
 - (3) Listing the items briefly and let the participants know if they will receive a decision that day.
 - (4) Clarifying if the complaint is complex and if there are some aspects of it that fall outside the committee's remit and will explain exactly which aspects of the complaint can be addressed by the committee; later, advise the complainant as to how best to follow up any complaint that could not

be dealt with by the committee. Alternatively, the committee may wish to consider making representations to the responsible authority for those areas that fall outside its remit.

- (5) Making it clear that although the meeting will be as informal as possible, it is intended to keep to the agenda to allow everyone to have a fair hearing.
- (6) Explaining that the complainant will speak without interruption and then allow the Head of School and Complaints Committee Members to ask any questions to clarify any issues raised; then the Head of School's response will be heard, again without interruption and there will be an opportunity for the committee and the complainant to ask any questions about what has been said.
- (7) Indicating any time limits to adhere to.

iii) **The Chair will conclude the discussion by:**

- (1) Ensuring that all participants feel that they have had every opportunity to be heard but if they are beginning to repeat themselves at the "further questions or points" stage, move the meeting on by proceeding to the summing up. The complainant and Head of School will then be invited to sum up if they wish but if the issues are clear, formal summing up may not be necessary.
- (2) Confirming the arrangements for the participants to receive the decision of the meeting.
- (3) Writing down the decision of the committee so this can be accurately recorded in the minutes.
- (4) If the participants are invited back to hear the decision, making it clear to all parties that no further discussion is possible at that stage.

iv) **The decision letter and minutes:**

- (1) The Clerk to the Complaints Committee will send a copy of the decision letter to the complainant, Head of School and Chair of Governors
- (2) The Clerk will send a copy of the minutes to the Chair of the committee, the minutes should record the procedure followed, the decision reached, and any recommendations made. These can be made available to the complainant on request.
- (3) It is usual for all documents relating to a complaint to be kept confidential in line with GDPR.

Appendix 2

1) Formal complaint to the Academy's Governors (MODEL AGENDA)

- a) Introduction and explanation of procedure, including the role of the Clerk to the Governors.
- b) Complainant's presentation and opportunity to explain their complaint, call witnesses (subject to prior arrangement) and questions to both by Head of School and/or committee.
- c) Head of School to explain the Academy's response, call witnesses (subject to prior arrangement) and questions to both by complainant and/or committee.
- d) Any further questions or points from any of the parties.
- e) Opportunity for summing up by Head of School.
- f) Opportunity for summing up by complainant.
- g) Summing up by the Chair including advising that the committee can:
 - i) Uphold the complaint in full
 - ii) Uphold it in part, or
 - iii) Dismiss the complaint.
- h) The Chair of the committee should explain to the complainant and the Head of School that the committee will consider its decision, and a written decision will be sent to both parties within a maximum of 15 Academy working days. The letter will inform the complainant of any further rights of representation.
- i) The complainant, Head of School, other members of staff and witnesses should then leave.
- j) The committee will then consider the complaint and all the evidence presented and reach a unanimous, or at least a majority decision on the complaint and will decide;
 - i) Whether the complaint should be upheld or denied
 - ii) The reasons for their decision
 - iii) Any action to be taken
 - iv) Any recommendations they wish to make to the Head of School or Board of Governors.
- k) The committee must consider whether any items are confidential and should therefore not be available to persons wishing to inspect Trustees papers.