

Complaints Procedure

Ratified by the Trust Board on 16th December 2019

COMPLAINTS PROCEDURE

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1. What is a Complaint?

The Trust takes any concern or complaint very seriously about the education or other services we provide or about the conduct of our staff. We believe that by tackling concerns at the earliest possible stage it allows us to improve relationships, enhance learning, prevent issues escalating and reduce the number of formal complaints we receive.

We define a concern as follows:

"an expression of dissatisfaction made orally about any aspect of the Academy/School or Trust".

We define a complaint as follows:

"an expression of dissatisfaction made in writing about the standard of service, actions or lack of action by the Academy/School or Trust affecting an individual or group".

If a concern is expressed orally, we will try to resolve it using the procedures set out below for dealing with concerns. If a complaint is made in writing, we will use the formal complaints procedure, also set out below.

2. Application of the Complaints Procedure

Legally, all schools, academies and Trusts must have a complaints procedure which deals with the handling of complaints from the **parents of pupils**. This procedure is for the express use of parents of pupils.

The Complaints Procedure will be used to consider any complaints about the Academy/ School or Trust, except those which relate to the following areas, which have their own statutory procedures:

- Admissions
- Exclusion of pupils
- Special education provision
- Complaints covered by the Children Act 1989
- Complaints about the allocation of pupil awards and benefits.

The Complaints Procedure will also not cover complaints which are, or have been, the subject of legal proceedings, or complaints being considered by the Secretary of State for Education under any statutory power.

3. The Trust's Principles for Dealing with Concerns and Complaints

The Trust will:

- take all concerns and complaints seriously
- make every attempt to resolve concerns by informal means without the need to use formal procedures
- publish its complaints procedure, make it easily accessible and simple to understand and use
- be fair, open and honest when dealing with any concern or complaint
- give careful consideration to all concerns and complaints and deal with them as swiftly as possible, keeping people informed of progress
- resolve any concern or complaint through dialogue and mutual understanding and, wherever possible, put the interests of the child above all other issues
- provide sufficient opportunity for any concern or complaint to be fully discussed, and then resolved
- deal with concerns or complaints in an impartial and non-adversarial manner
- ensure a full and fair investigation of a complaint is undertaken by a person who has not been directly involved in the matter

- address all the points at issue and provide an effective response and appropriate redress, where necessary
- respect people's desire for confidentiality
- use the outcome of a complaint to reflect on the services provided by the Academy/ School or Trust so, if necessary, they can be improved.

4. Dealing with Concerns in individual Academies

We recognise that parents and carers will, from time to time, have normal and legitimate concerns about the progress, achievement, behaviour or welfare of their child, or about other matters connected with the Academy or School.

We encourage parents and carers to make those concerns known to the relevant member of staff so that they can be addressed in partnership with the Academy/School. Almost invariably, the sooner such concerns are raised, the easier it is for an appropriate resolution to be found.

A concern may be raised with any member of staff. For parents, this would normally be your child's tutor, teacher or Head of Year (or equivalent) and for others this would normally be the School/Academy - Principal/Headteacher/Head of School. If parents have a concern with the operation of the Local Governing Board, it should be raised either with the Principal/Headteacher/Head of School or CEO. That person will try and resolve the matter or will refer you to the appropriate person. Many concerns are resolved immediately but, if this is not possible, a member of staff will respond to you within 5 working days.

The member of staff will make a written record of the concern that was raised and the date on which it was received. If the matter cannot be resolved within five working days, or in the event that you are not satisfied, you will be advised to proceed to make a formal complaint.

5. Making a Formal Complaint about an Academy

The process for making a formal complaint is set out on page five.

Complaints should be brought to the attention of the Academy/School as soon as possible. A complaint made more than three months after the event complained of will not be considered, save in exceptional circumstances.

The complaint can be made in writing by letter, by using the form in the Complaints Procedure, or in person if written notes are made and countersigned by the complainant. Anonymous complaints will not be investigated, save in exceptional circumstances, as we are unable to respond to the complainant. (These circumstances would include serious concerns such as child protection issues or bullying allegations, where the Academy/School is either required to involve appropriate external agencies or might conduct its own internal review to test whether there is any corroborative evidence which might trigger a formal investigation).

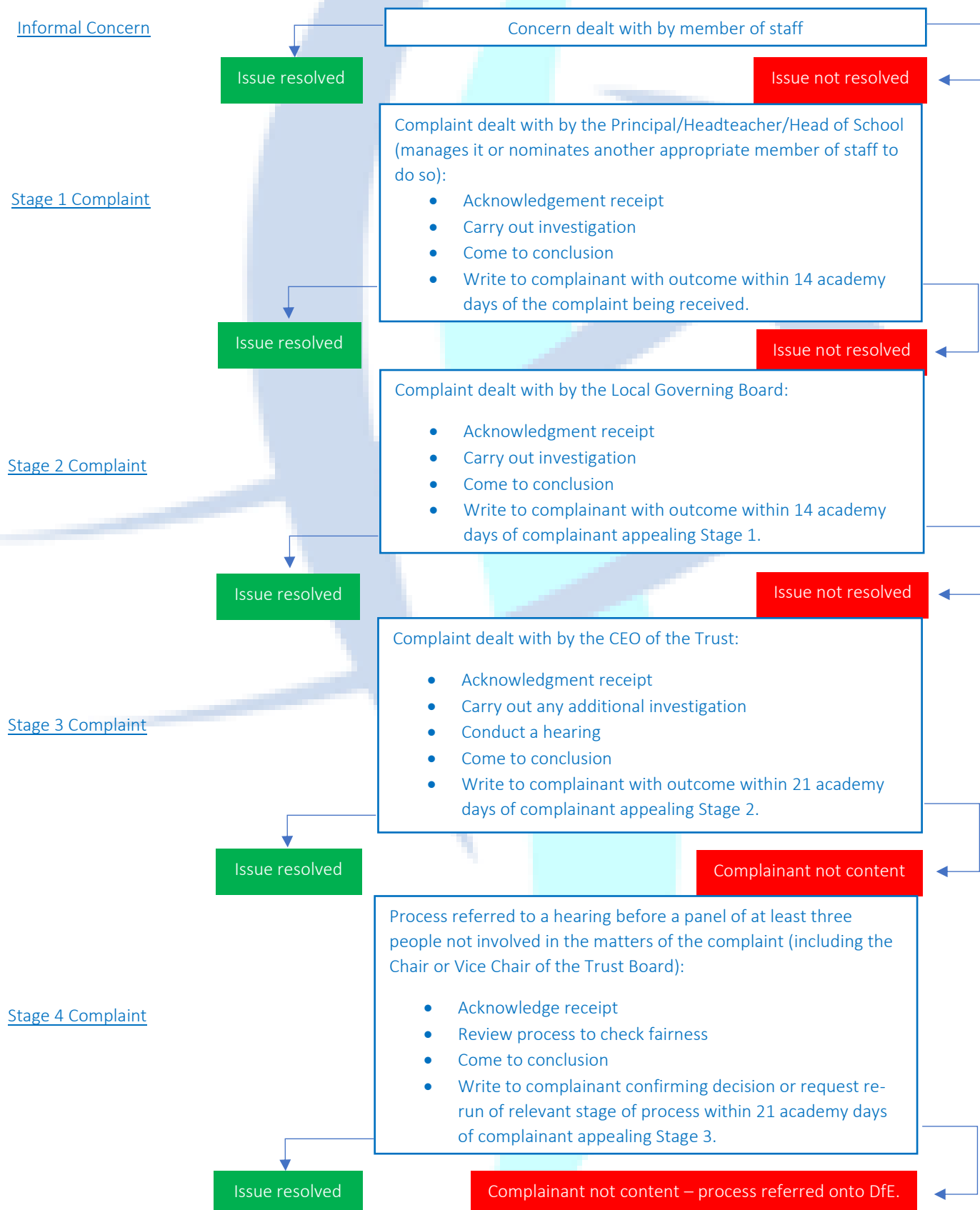
6. Making a Complaint about the work of the Trust

Complaints should be brought to the attention of the CEO as soon as possible. The complaint will start at Stage 3 of the process. A complaint made more than 3 months after the event complained of will not be considered, save in exceptional circumstances.

The complaint can be made in writing by letter, by using the form in the Complaints Procedure, or in person if written notes are made and countersigned by the complainant. Anonymous complaints will not be investigated, save in exceptional circumstances, as we are unable to respond to the complainant. (These circumstances would include serious concerns such as child protection issues or bullying allegations, where

the Trust is either required to involve appropriate external agencies or might conduct its own internal review to test whether there is any corroborative evidence which might trigger a formal investigation).

The process for making a formal complaint:



7. Where to Send your Complaint

You should normally send your complaint to the Principal/Headteacher/Head of School of the Academy/School if the complaint is about an individual Academy/School. If your complaint is about the Local Governing Board or the wider work of the Trust, it should normally be sent to the CEO.

In the event of a complaint relating to the Principal/Headteacher/Head of School, the complaint should be sent to the CEO. In the event of a complaint relating to the CEO, the complaint should be sent to the Chair of the Trust: FAO Chair of the Trust, c/o Chellaston Academy, Swarkestone Road, Chellaston, Derby, DE73 5UB.

The Academy/ School or Trust will acknowledge receipt of a complaint in writing within 2 School/Academy days.

8. The Stages of Handling a Complaint

Stage 1 – the complaint will be investigated by the Principal/Headteacher/Head of School and, if resolved satisfactorily at this stage, the procedures are completed.

Stage 2 – if not resolved at Stage 1, the complaint will be investigated by the Local Governing Board for the Academy/School and, if resolved satisfactorily at this stage, the procedures are completed.

Stage 3 – if not resolved at Stage 2, the complaint will be investigated by the Trust's CEO and, if resolved satisfactorily at this stage, the procedures are completed.

Stage 4 – if not resolved at Stage 3, the complaint will be investigated by a panel consisting of at least three people, one of whom will be the Chair or Vice Chair of the Trust, who are not directly involved in the matters of the complaint. The panel will be constituted by either the Chair or Vice Chair and will include two additional panel members one of whom is independent of the management and running of the Academy/School and the Trust. The parent/carer will be asked to attend the panel hearing and be accompanied if they wish. This is the final stage of the Trust's complaints process.

If the complaint relates to the Principal/Headteacher/Head of School, stages 2, 3 and 4 only will be used. If the complaint relates to the Chief Executive the Stage 4 panel will be constituted by the Trust Board and will include at least one other Trustee.

At each stage, similar procedures are used:

- investigating the complaint
- resolving the complaint
- providing a written response.

If a complainant is still not satisfied with the outcome when the complaint has been through all four formal internal stages then the complainant has recourse to complain directly to the Education and Skills Funding Agency. The link to the ESFA is below:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/321851/Complain_about_an_academy.pdf

9. Confidentiality

All complaints will be treated as confidential. Only those members of staff concerned with investigating the complaint will have access to documentation relating to the complaint. No confidential information regarding the investigation will be made available publicly.

However, it should be noted that if any action taken by a member of staff is the subject of a complaint, then that person should be advised of the complaint made against them.

All confidential information will be securely maintained by the Academy/School and Trust on its premises.

10. Investigating the Complaint

The individuals leading each of the stages of the complaint may delegate the investigation to an appropriately senior member of staff who has no connection with the complaint, but the resolution of the complaint and a decision about any action to be taken rests with the individuals identified as responsible for each stage (per section 8 above).

The person/s investigating the complaint must make sure that they:

- clarify the nature of the complaint and what remains unresolved
- establish what has happened so far, and who has been involved
- meet with the complainant if the complainant requests a meeting
- meet with the complainant or contact them (if clarification or further information is necessary)
- ascertain what the complainant feels would put things right
- maintain an open mind
- conduct the investigation, analysing any relevant documents and interviewing those who may be involved and allowing them to be accompanied if they wish
- keep written records of the investigation.

The Academy/ School or Trust will retain written records of all of the parts of investigation at each stage, including notes of all meetings, interviews, discussions and telephone calls, in case the complaint is taken further.

11. Resolving the Complaint

At each stage in the procedure the Academy/School and Trust will keep in mind ways in which a complaint can be resolved. It may be sufficient to acknowledge that the complaint is upheld in whole or in part. Alternatively, the complaint may not be upheld, and this may be because there is insufficient evidence to substantiate the complaint. To support the resolution, it will usually be appropriate to offer one or more of the following:

- an apology (which does not imply liability)
- an explanation (especially where the complaint is not upheld)
- 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 recur
- an undertaking, if necessary, to review policies or procedures in light of the complaint.

Where, as a result of the complaint, the Academy/School or Trust takes actions that are themselves confidential, it may be necessary to inform the complainant that the matter has been fully investigated and that the appropriate procedures are being followed (for example where staff disciplinary procedures are being followed).

12. Providing a Response

All complainants should be provided with a written response which sets out the Academy's/ School's /Trust's findings and recommendations within a target period of 14 academy days for Stages 1 and 2 and 21 academy days for Stages 3 and 4. The Academy/ School or Trust will keep a written record of responses to complaints, which indicates at which stage they were resolved. If relevant, the person complained about

will also receive a copy of the findings and recommendations. The findings and recommendations made at Stage 4 will be available at the Academy or School premises and be available to the Principal/Headteacher/ Head of School and the Trust.

Where the nature of the investigation is such that the complaint cannot be resolved within these timescales, a holding letter will be sent giving an indication of the date on which a response will be made.

The response is sent by the person(s) at the relevant stage making the resolution but may be drafted by the member of staff investigating the complaint. All response letters will be read by another person of suitable seniority to assure their quality.

All correspondence, statements and records of complaints will be kept confidentially.

13. Publication of the Complaints Procedure

The Complaints Procedure will be available from the reception office on each Academy/School site. It will also be published:

- in the information given to new parents when their child first joins the Academy/School (in an abbreviated version)
- on the Academy/School and Trust websites
- in documents supplied to community users including course information and letting agreements (in an abbreviated version).

14. Vexatious Complaints

Where the Trust considers that a complainant is carrying out unreasonable behaviour, for example making unduly frequent and/or repeated complaints, the Trust will be entitled to take such action as it thinks appropriate to manage such behaviour. This may include (but is not limited to) placing limits on contact with staff or opting not to invoke this complaints procedure further. Where such action is being considered by the Trust, the complainant will receive a written warning. Should the behaviour persist, the appropriate action will be determined proportionately in light of the nature of the behaviour in question and any other relevant circumstances.

ANNEX 1: The Academy/ School and Trust Complaint Form

Please complete this form and return it to the Principal/Senior Education Adviser, who will acknowledge its receipt and inform you of the next stage in the procedure.

Your Name:
Relationship to pupil:
Pupil's Name:
Your Address:
Telephone Number:
Please give concise details of your complaint, (including dates, names of witnesses etc), to allow the matter to be fully investigated. You may continue on a separate piece of paper, or attach additional paperwork, if you wish.
What actions do you feel might resolve the problem at this stage?
Signature: Date:

<i>Academy/Trust Use</i>
Received by:
Date form received:
Date and acknowledgement sent by:
Complaint referred to:
Date:

ANNEX 2: Guidance for Staff on Dealing with Concerns

Staff who are approached by parents, pupils or others with matters of concern must assess the seriousness of the issue and, if subject to specific Academy/School policies (for example over a child protection issue) follow those policies.

If a parent of child or someone else expresses a concern that is within the remit of that member of staff, then the member of staff should deal with the concern, resolving it where possible. If the member of staff feels unable to deal with the concern, they should listen to the concern, note it down and refer it to the relevant senior member of staff, indicating to the complainant that this is what will happen.

Each situation will be different, but staff members should do all they can to:

- allay the other persons' fears
- take the concerns seriously
- remain calm and composed at all times
- be fair, open and honest when dealing with any concern or question
- give careful consideration to all concerns and deal with them as swiftly as possible
- enter into dialogue that encourages mutual understanding and, wherever possible, puts the interests of any child above all other issues
- respect peoples' desire for confidentiality.

If the matter has not been resolved amicably by this means, then the member of staff should advise the complainant to make a formal complaint. If necessary, the member of staff should make notes of the complaint and ask the complainant to sign them, so that they become the written complaint.

ANNEX 3: Investigation Procedures for Formal Complaints

1. The investigation of an allegation or a complaint should always be carried out thoroughly and responsibly, irrespective of whether the complaint appears to be trivial or serious. The investigator must maintain an open mind and not prejudge any situation on the basis of knowledge of past events. The outcome of such an investigation will have considerable significance for the complainant and, where the complaint is against a particular member of staff, for the member of staff against whom the complaint has been made.
2. Any member of staff against whom a complaint has been made, should be notified that a complaint has been received, provided with a copy of the complaint and be informed that an investigation will be carried out in which his or her views will be sought.
3. It is essential that there is a clear understanding of the complaint and what remains un-resolved. If the complaint is not clearly stated, the investigator should clarify the nature of the complaint with the complainant and set out clearly the issues of concern to the complainant that will be investigated.
4. Once the complaint has been confirmed the investigator should establish who he or she wishes to interview and what documentation they will need to review. Arrangements should be agreed so that accurate notes can be taken of all interviews and the outcomes of the investigation be accurately recorded.
5. The complainant and a member of staff complained about should be given the opportunity to meet with the investigator, offer documentation and to identify potential witnesses or sources of evidence. Any member of staff subject to the complaint should be advised that they may be accompanied by a friend or a trade union representative when invited to be interviewed.
6. Where children are potential witnesses, discretion should be exercised over their involvement. Pupils should only be interviewed when the nature of the complaint is sufficiently serious to warrant it and adult witnesses are not available. Only in extreme circumstances will younger pupils be interviewed.
7. Any interviews should be conducted as soon as possible to ensure that recollections are as fresh as possible and to minimise the possibility that evidence will become tainted through witnesses discussing alleged incidents with other persons. A written record must be made of all interviews.
8. In conducting interviews, the investigator should prepare the questions to be asked prior to the interview. These can always be supplemented during the interview. The investigator should allow the interviewees to answer in their own way. Their responses should be listened to attentively. Any temptation to cut an interviewee short or to seek to 'lead' them must be resisted. The interviewee should be given the opportunity of providing other relevant information at the end of the interview. It is good practice to ask the complainant what they feel would put matters right, even if this action is not one that is eventually taken.
9. Interviewees should, however, be advised that their responses must be confined to the substance of the complaint. Any attempt by the interviewee to introduce information relating to other members of staff or to issues unrelated to the complaint should be resisted.
10. The investigator should avoid reaching conclusions or passing judgement, until the investigation has been completed. The investigator should complete the investigation by creating a summary of the evidence gathered and a preferred outcome for agreement.
11. Any response letter should include the following information:
 - a brief summary of the complainant's concerns and the issues that have been investigated

- a summary of the process undertaken
- the outcome of the investigation
- the reasons for that outcome, unless confidentiality would be compromised (in which case a suitably worded conclusion should be provided)
- any recommendations which, wherever possible, should be constructive and not punitive
- potential next steps.

12. The response letter should be sent to the complainant. Caution must always be exercised in reporting back to the complainant as revealing certain details may prejudice the ability of the employee to continue in post.

13. The complainant should be advised that he or she may, if they are not satisfied with the response or that the appropriate procedure has been followed, request the complaint is considered at the next stage of the complaints policy.

Following consideration of a complaint at stage 4, the complainant should be advised that the complaint will not be considered further but that they do have the right of complaint to the Education Funding Agency.