



COMPLAINTS PROCEDURE

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| THIS POLICY WAS APPROVED: | AUTUMN 2017 |
| THIS POLICY WILL BE REVIEWED: | AUTUMN 2019 |
| MEMBER OF STAFF WITH RESPONSIBILITY FOR REVIEW: | CEO |

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1 Introduction

- 1.1 We are committed to developing a strong partnership with students, parents/carers and other stakeholders. This provides a good basis for mutual understanding and for preventing and resolving complaints.
- 1.2 We hope that the adoption of a clear complaints procedure will help to ensure that most complaints are resolved quickly and smoothly and as close to the source of the misunderstanding or problem as possible. In this way complainants can feel assured from the outset of a fair hearing, in line with a defined procedure for dealing with issues that have not immediately been resolved. We also hope that a staged framework might prevent an early and unnecessary escalation of the problem. In addition, we will ensure that lessons learned from the investigation of complaints will prove useful to improve the school's policy and practice

2 Scope

- 2.1 A complaint is an expression of dissatisfaction, however made, about the standard of service, actions or lack of actions by the Trust, Academy or its staff that affects an individual or a group and requires a response from the Trust or Academy. This procedure deals with such complaints if made by a student, a parent or other external stakeholder, except that there are separate appeals procedures for a parent dissatisfied with a decision regarding either the admission or the exclusion of their child and for appeals against the grade awarded to their child in an external examination.
- 2.2 There are also separate procedures to deal with a complaint raised by or on behalf of a member of staff. These include the Grievance Procedure for a complaint by an employee of unfair treatment, the Harassment Procedure for an employee complaining of bullying or intimidation, the Disciplinary Procedure for an employee complaining about the conduct of another member of staff and the Whistle Blowing Procedure for an unresolved allegation of institutional malpractice.

3 Principles

- 3.1 We believe that most complaints can be resolved satisfactorily by informal discussion either over the telephone or through a meeting involving the key people involved.
- 3.2 Informal queries and complaints should be taken up directly with the relevant member of staff either verbally or in writing. Formal complaints concerning an individual Academy should be addressed to the appropriate Principal in writing; complaints concerning the Trust should be addressed to the CEO or The Chair of the Trust.
- 3.3 All complaints will be acknowledged via email within 48 hours of receipt during term time and dealt with as quickly and efficiently as possible. The length of the period will vary with the gravity and complexity of the complaint and the urgency with which it needs to be settled. However, the intention is that all complaints should be settled within a period which is reasonable in the circumstances.
- 3.4 All formal complaints will be investigated fully, fairly and carefully and complainants will be kept informed of progress.
- 3.5 The aim is always to secure the resolution of the complaint to the satisfaction of the complainant if possible.

4 Representation

- 4.1. At any stage, the complainant may be accompanied by a friend, colleague or other representative. In this case, the complainant should make their own arrangements for such representation. The representative may ask questions, confer with the complainant and make summary statements but may not answer questions on behalf of the complainant.

5 Stage One: Informal Complaints

- 5.1 Informal complaints or concerns should be raised with the relevant member of staff, such as class teacher, tutor, curriculum or pastoral leader. Where an informal complaint is raised with the Principal, it will normally be passed to the most appropriate member of staff to deal with it informally. If the complainant indicates that they would have difficulty discussing the complaint with this member of staff, the Principal may direct them to another member of staff. Similarly, if the most appropriate member of staff feels they would have difficulty in dealing with the complaint objectively, the Principal may direct the complainant to another member of staff.
- 5.2 In certain circumstances, the Principal may instead choose to deal with the complaint informally in person, or the relevant member of staff may ask the Principal to deal with it informally in person.
- 5.3 If the complaint has been made to the Chair of Governors in the first instance, he or she will refer the complaint to the Principal. However, if the complaint concerns the Principal and has already been taken up with the Principal without being resolved, the complaint must be made in writing, either electronically or on paper, to the Chair using the Complaint Form wherever possible (see Appendix A). The Chair will then invoke the formal procedure.
- 5.5 The member of staff to whom the complainant is referred will carry out an investigation and decide on any appropriate action. The complainant and the Principal will be informed of the conclusions drawn from the investigation and action to be taken, together with details of how to make a formal complaint if they remain dissatisfied.
- 5.6 It is a precondition to the operation of this policy that the complainant shall have made reasonable attempts to seek an informal resolution and shall have acted in relation to the matter in a reasonable and measured way. The Chair of Governors shall have a discretion, which will be exercised reasonably, not to allow a complaint to be pursued where this precondition has not been met.
- 5.8 Every effort will be made to resolve the problem to the satisfaction of the complainant at this informal stage. Possible outcomes include:
 - (i) complaint resolved to the satisfaction of the complainant;
 - (ii) complaint not resolved to the satisfaction of the complainant;
 - (iii) complaint dealt with under another procedure

6 Stage Two: Formal Resolution at Local Level; Investigation by a member of the Senior Leadership Team

- 6.1 If the complainant is not satisfied with the outcome of the informal process, they should outline their concerns by completing the Trust Complaint Form, Appendix A,

either electronically or on paper and send to the Principal. We would normally expect unresolved informal complaints to be brought to Stage 2 as soon as possible after Stage 1 has been exhausted. This is to ensure that they can be reasonably investigated under that process. In circumstances where a significant period of time has elapsed between either an informal complaint being made or the subject of the complaint occurring, it may not be reasonably practical to consider the complaint further. If this is the case we will advise you of this under Stage 2 of the Complaints Process.

- 6.2 The Principal will ensure the complaint is investigated fully. The Principal may delegate responsibility for conducting the investigation to another member of staff.
- 6.3 Where the complaint concerns the Principal, the Principal will inform the complainant in writing that they should send a completed Complaint Form to the Chair of Governors, who will then take the place of the Principal throughout the formal procedure.
- 6.4 Once the investigation has been completed, the Principal will review all the information and discuss the findings with the complainant with the aim of resolving the complaint to the complainant's satisfaction.
- 6.5 The Principal will decide on the outcome and inform the complainant in writing of the decision, together with details of how to appeal against the decision if they remain dissatisfied. A meeting will usually be arranged to convey the reasons for the decision.
- 6.6 Rarely, the decision may involve taking disciplinary action against an individual, for which there is a separate procedure. In this event, the complainant will be informed that the complaint will be pursued through disciplinary action. The Trust's disciplinary procedures require that all details of proceedings remain confidential, and consequently the complainant will not be informed of the outcome.
- 6.7 The investigator will aim to complete the investigation and respond within 10 working school days. If they cannot provide a full response within that time, they will write to the complainant explaining this and giving a date by which they will provide a full response.
- 6.8 Possible outcomes include:
 - (iv) complaint withdrawn;
 - (v) complaint dismissed;
 - (vi) complaint dealt with under another procedure;
 - (vii) complaint upheld.

7 Stage 3 – Formal Resolution at a Trust Level; Trust Leadership Team

- 7.1 The complainant must put the complaint in writing, within 10 days of complainant receiving the outcome of Stage 2, addressed to the CEO of the Trust, setting out briefly the facts and / make reference to previously submitted documentation. The complainant must state clearly what it is that they consider should have been done or where the academy has not met reasonable expectations.
- 7.2. The CEO may appoint a member of the Local Governing Body of the academy, or a member of the Trust Leadership team to investigate the complaint. The investigation will usually include the offer of a meeting with the complainant, whenever reasonably possible, any meeting with the complainant will take place

within 15 school days of the written complaint being received.

- 7.3. The investigator will put her/his findings in writing and will indicate what, if any, steps should be taken to resolve the matter. Whenever reasonably possible, this will be done within 15 school days of any meeting with the complainant; if no meeting is arranged it will be within 15 school days of the written complaint being received.

Where the complainant remains dissatisfied s/he may request the complaint is dealt with at Stage 4 by completing Appendix B, either electronically or on paper. Any such request **must** be set out on Appendix B, stating where the complainant remains dissatisfied, what remedies are being sought and be lodged within **10** school days of the complainant receiving the findings in writing. The request must be addressed to the Clerk to Trust Board who will convene a hearing.

8. Stage 4: Appeals Hearing

- 8.1 The Complaints Panel of the Academy Trust will consider all complaints at Stage 4.
- 8.2 The Complaints Panel will comprise of at least three people, which will include one person who is independent of the management and running of the Academy Trust and any of its academies.
- 8.3 The Complaints Panel may also include one or more persons from the following categories:
- (i) A member of the local governing body of the academy where the complaint emanated from;
 - (ii) A member of a local governing body from another academy within the Academy Trust;
 - (iii) A member of the Board of Trustees from the Academy Trust;
 - (iv) The complainant will be informed of the make-up of the panel in advance of the hearing
- 8.4 None of the members of the Complaints Panel will have been directly involved in the matters detailed in the complaint, nor been involved in any way in Stages 1-3.
- 8.5 The Clerk will invite the academy to put in writing its response to the complainant's reasons. The academy will provide this within 15 school days. At the end of that period (whether or not the academy has responded) the Clerk will convene a meeting of the Complaints Panel. That meeting will be held as quickly as practicable given the need to find a date that is reasonably convenient for the complainant, the academy and the members of the Complaints Panel. Whenever possible, the meeting will be held within 20 school days of the end of the academy's response time. The Clerk will circulate to the Complaints Panel, the Academy and the complainant all paperwork in relation to the complaint including the names of the Complaints Panel members in good time before the meeting. At any meeting, the complainant will be entitled to be accompanied by a friend but legal representation will not be allowed. The complainant should inform the Academy of the details of any representative who will be accompanying them in good time before the meeting.
- 8.6 The meeting is not a court case, it will be held in private, and will be as informal as circumstances allow. To support this, neither party will record proceedings using electronic devices. The meeting will usually be clerked by the Clerk to the Trust Board; where this is not possible, the Chair of the Panel will ensure that an alternative suitable person is appointed to fulfil the clerking function.
- 8.7 The complainant will have the opportunity to put her/his reasons for dissatisfaction

and to enlarge on them but may not introduce reasons that were not previously put in writing. The academy will have the opportunity to respond. Each side, as well as the Panel members, will be able to ask questions. The complainant will have the opportunity to make final comments to the Panel.

- 8.7 The Panel may make findings and recommendations and a copy of those findings and recommendations will be
- (i) sent by electronic mail or letter and, where relevant, the person complained about
 - (ii) available for inspection on the academy premises by the Academy Trust, the Principal/Head of School and the CEO
- 8.8 The Panel will formulate its response as quickly as reasonably possible, aiming to do so within 10 school days, and the Clerk will notify all concerned at the same time.
- 8.9 The Appeals Committee may:
- (i) dismiss the complaint in whole or in part;
 - (ii) uphold the complaint in whole or in part;
 - (iii) decide on any further action to be taken;
 - (iv) if appropriate, recommend changes to the Academy's systems or procedures to ensure that problems of a similar nature do not recur.

9 Attendance at a Complaints Panel Hearing

- 9.1 The Clerk will liaise with all members of the Complaints Panel to propose and agree a date, time and venue for the meeting. This is most likely to be at the school.
- The Trust Board is mindful of the challenges that volunteer governors and trustees can encounter in finding time to prepare and attend a hearing. The Trust Board has therefore decided that the Complaints Panel Hearing will take place, wherever possible within 20 school days of the submission of the Formal Complaint and will only be arranged if the complainant and / or their representative attend.
- If the complainant fails to attend on the day without compelling reasons, the Complaints Panel Hearing will proceed in their absence.

10 Conclusion of Process

- 10.1 The decision of the Complaints Panel Hearing is binding and concludes the Anglian Learning Complaints procedure. If the complainant remains dissatisfied with the outcome, he/she can contact the ESFA via this link: <https://www.gov.uk/complain-about-school/state-schools> or by post to this address:
- Ministerial and Public Communications Division
Department for Education
Piccadilly Gate
Store Street
Manchester M1 2WD.

11 Serial or Persistent Complainants

- 11.1 If at any level a complainant attempts to reopen an issue or a closely related issue that has already been dealt with under this complaints procedure, the Chair of the Academy Trust may write to the complainant to inform him/her that the procedure has been exhausted and the matter closed, that continued correspondence is vexatious and that the Academy Trust will not respond to any further correspondence on this issue or a closely related issue.

12 Record Keeping

- 12.1 A written record will be kept of all complaints that were resolved at the formal stage of the complaints procedure. The Trust reserves the right to take written minutes of the meetings. Records will contain details of whether the complaint was resolved at stage 2, stage 3 or proceeded to a stage 4 panel hearing. The action taken by the academy or the Academy Trust as a result of a complaint (regardless of whether they are upheld) will also be recorded.

13 Monitoring, Evaluation and Review

- 13.1 The Trust will review this procedure within two years and assess its implementation and effectiveness.

Appendix A

(School name...) Complaint Form

Section A – Your Details

Title – Mr/Mrs/Ms/Other

Surname

Forename

Home Tel No

Mobile Tel No

Email Address

Address and Postcode

How would you prefer us to contact you?

Section B

Please give details of your complaint here ... (please use a continuation sheet if necessary)

What would constitute a satisfactory resolution of your complaint?

Appendix B

(School name)Complaint Review Request Form

Section A – Your Details

Title – Mr/Mrs/Ms/Other

Surname

Forename

Home Tel No

Mobile Tel No

Email Address

Address and Postcode

How would you prefer us to contact you?

Section B

Please give reasons why you consider the response to your complaint from the CEO/Trust Leadership Team should be reviewed...

What would constitute a satisfactory outcome by way of resolution of your complaint?

APPENDIX C

Complaint Procedure Summary

STAGE 1: Informal Complaints

School staff seek to resolve the complaint informally through discussion with the complainant. A formal complaint will not be considered unless the complainant has made reasonable attempts to seek an informal resolution.

STAGE 2: Formal Resolution at Local Level

Written complaint via Complaint Form:

| Action | Timescale |
|---|---|
| Received by Principal/Headteacher* | |
| Investigation | |
| Discussion with the complainant | |
| Formal Response from the Principal/Headteacher* | 10 school days from receipt if possible |

*If the complaint is about the Principal/Headteacher then the complaint will be directed to the Chair of Governors

STAGE 3: Formal Resolution at a Trust Level

Written complaint requesting review of Principal's/Head's decision:

| Action | Timescale |
|---|---|
| Received by Trust CEO | within 10 school days of complainant receiving Stage 2 response |
| Investigation; meeting with complainant | meeting within 15 school days |
| Formal Response from CEO | within 15 school days of meeting |

STAGE 4: Appeals Hearing

Written complaint via Complaint Review Form requesting review of CEO's Decision

| Action | Timescale |
|--|---|
| Received by Clerk to the Trust | within 10 school days of complainant receiving Stage 3 response |
| Academy response | Within 15 school days |
| Complaints Panel Meeting | within 20 school days of Academy response where possible |
| Formal Response from the Panel via the Clerk | within 10 school days where possible |

The conclusion of Stage 4 brings to an end the Anglian Learning complaints procedure. Complainants who remain dissatisfied may wish to contact the Department for Education.

APPENDIX D

Sample Agenda for Stage 4 Complaint Panel meeting

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| Meeting of Panel to consider any written representations (Parent and Investigating Governor/Executive join the meeting) | Panel, Clerk |
| Introductions – Chair of Panel | Panel, Clerk, Investigating Governor/Executive, Parent |
| Introduction to the Stage 3 report by the Investigating Governor/Executive | Panel, Clerk, Investigating Governor/Executive, Parent |
| Questions to Investigating Governor/Executive about the Stage 3 report <ul style="list-style-type: none">○ Panel○ Parent | Panel, Clerk, Investigating Governor/Executive, Parent |
| Parental Representations | Panel, Clerk, Investigating Governor/Executive, Parent |
| Questions to the Parent <ul style="list-style-type: none">○ Panel○ Investigating Governor/Executive | Panel, Clerk, Investigating Governor/Executive, Parent |
| Closing remarks by the Investigating Governor/Executive | Panel, Clerk, Investigating Governor/Executive, Parent |
| Closing remarks by the Parent (Parent and Investigating Governor/Executive leave to allow the governors to make decisions) | Panel, Clerk, Investigating Governor/Executive, Parent |
| Panel's conclusions and recommendations | Panel, Clerk |