

## COMPLAINTS POLICY

### 1. SCOPE

1.1. The complaints procedure is based on a principle that concerns expressed by a **pupil, parent, carer** or any **individual or organisation** with a concern should be resolved as quickly as possible without the need to escalate to the more formal stages of the procedure. However, where resolution is not achieved quickly and the person raising the complaint remains dissatisfied and wishes to take the matter further, the formal procedure will be invoked.

1.1.1. Stage 1 – Informal resolution to concern.

1.1.2. Stage 2 – Formal complaint heard by a member of staff.

1.1.3. Stage 3 – Formal complaint heard by the Head of School or LGB.

1.1.4. Stage 4 – Formal complaint heard by the Chief Executive.

1.1.5. Stage 5 – Complaint heard by Trustees Panel.

1.1.6. Handling of complaint referred to the Education Funding Agency (EFA).

1.2. Complaints brought by **staff** should be investigated using the Grievance procedure and not this Complaints Policy.

### 2. POLICY

2.1 We will listen to all concerns, complaints, suggestions and compliments and see them as opportunities to improve the quality of the service we provide.

2.2. Line Managers or other delegated managers will investigate a complaint about a member of staff. Anonymous complaints will not be considered.

2.3. The MAT will retain a written record of all complaints and whether they were resolved at the informal, formal or panel level.

2.4. All written records, statements and correspondence relating to an individual complaint will be treated with complete confidentiality. However, the School is required to make these records available to the Secretary of State or a body conducting an inspection if they request access to them.

2.5. Written information sent out to a complainant may be in either electronic format or in 'hard copy' as the School/MAT sees fit.

2.6. The principles applied by all staff and Governors in applying the complaints procedure are that implementation of the procedure will be:

- Impartial
- Non-adversarial
- Timely
- Objective
- Evidence based
- Respects confidentiality
- Fair
- Addresses all of the points at issue
- Provides an effective response

- Provides appropriate redress where necessary
- Is reported to the senior leadership team so that services can be improved where necessary

2.8. 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 School can be crucial in determining whether the complaint will escalate. To that end, staff will be periodically made aware of the procedures so that they know what to do when they receive a concern or a complaint.

2.9. At each stage of the complaints procedure the member of staff responsible will consider how the complaint may be resolved. In considering how a complaint may be resolved the member of staff will give due regard to the seriousness of the complaint. It may be appropriate in order to bring the complaint to a resolution for the member of staff to offer either:

- An explanation
- An apology
- Reassurance of steps that have been taken to prevent a recurrence of the relevant events
- Reassurance that the School will undertake a review of its policies in light of the complaint

2.10. The purpose of this procedure is to identify all of the facts that are pertinent to the complaint so that it can be resolved to the satisfaction of the complainant. However, there may be occasions when, despite all stages of the procedure being followed, the complainant remains dissatisfied. If the complainant then tries to reopen the same issue, the CEO or Chair of the Trustees is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

2.11. The complaints procedure sets out the time limits for each stage of the complaints processes. However, where a complaint is of a particularly complex nature, or further investigations are required to ascertain facts, new time limits can be set. The complainant will be sent the details of any changes to the deadlines with an explanation for the delay.

2.12. The complaints policy & procedure will be published on the MAT's web site.

### **3. PROCEDURE**

3.1. The Complaints Procedure has five clear levels.

The policy is to try to deal with the complaint, to the satisfaction of the complainant, at the earliest possible level.

Only if the complaint cannot be resolved at the informal level would it be escalated to the formal level. Only if the complaint cannot be subsequently resolved at the formal level, should it be escalated to a Governors' Panel.

#### **3.2. Principles of Investigating a Complaint**

The principles that will form the basis for all investigations of complaints will be that the investigation:

- Clarifies the nature of the complaint and what remains unresolved
- Establish what has happened so far, and who has been involved
- Clarifies what the complainant feels would put things right
- Interviews those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- Conducts the interview with an open mind

- Keeps a written record of the interview

### **3.3. Stages of the Complaints Procedure**

#### **3.1.1. Stage 1 – Informal Procedure**

All staff can deal with concerns or complaints without the need to resort to a formal procedure. Most concerns and complaints can be satisfactorily resolved at this stage and the school values informal meetings and discussions to facilitate an early resolution.

There is no suggested time-scale for resolution at this stage given the importance of dialogue through informal discussion although it would be expected that most issues would be resolved within 10 school days. Should this informal stage require more time then the School will inform the complainant of this in writing as soon as this is known.

If the complaint is about the Head of School/Headteacher or a Governor then the CEO will consider the complaint at the informal level. If the complaint is about the CEO then the Chair of the Trust Board will consider the complaint at the Informal level.

Should the initial discussions appear unlikely to resolve matters, either party may initiate a move to the next stage (Stage 2) of the procedure. A copy of the school's complaints policy will be forwarded to the complainant at this stage.

The complainant will be asked to complete the formal complaints form.

#### **3.1.2. Stage 2 – Formal Complaint Heard by a Member of Staff**

The CEO will identify the appropriate member of staff to handle the formal complaint at 'Stage 2'. If the complaint is about a member of staff then it will normally be a more senior manager that investigates the complaint. If the complaint is very serious then the CEO, at their discretion, may escalate the procedure directly to Stage 3.

The school will try to respect 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 matter will be referred to the Head of School/Headteacher who may, if they feel it appropriate, refer the complainant to another staff member. Alternatively, they may not feel this is necessary.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the Head of School/Headteacher 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 complaint concerns the Head of School/Headteacher or Governor, the complainant will be referred to the CEO. The CEO will consider the complaint as a Stage 3 formal complaint. Where the complaint concerns the CEO, the Chairman of the Trust Board will consider the complaint as a Stage 3 formal complaint. In the event that the complaint can not be resolved at stage three then complaint would be escalated to stage 5.

Where the first approach is made to a governor, the next step would be to refer the complainant to the Head of School/Headteacher. Governors should not act unilaterally 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.

The member of staff considering the complaint will ensure that a written acknowledgement is provided to the complainant within 5 school days of receiving a complaint. The acknowledgement will give an explanation of the School's complaints procedure and will give a target date for providing a response to the complaint, which should normally be within 10 school days. If the target cannot be met a letter should be written within 10 school days explaining the reason for the delay and providing a revised target date.

The member of staff considering the complaint will seek to meet or speak with all of the appropriate people in order to establish the facts relating to the complaint, if the information given on the complaints form necessitates this. This may include the complainant, staff and any other person.

Once all of the facts have been established the member of staff considering the complaint will then produce a written response to the complainant, or may wish to meet the complainant to discuss/resolve the matter directly.

A written response should contain an outline of the complaint and a summary of the response to the complaint including the decision reached and the reasons for it. Where appropriate this should also include what response the School will take to resolve the complaint. This may be by way of a general description e.g. 'Action taken within the Disciplinary Procedure'.

When the investigation has been concluded the complainant will be informed in writing of the outcome, which should also inform the complainant that should he/she wish the complaint to progress to the third stage of this procedure then he/she should send a written request stating this to the Head of School/Headteacher within 10 school days of receiving the response.

If no further communication is received from the complainant within 10 working days it is deemed that the complaint has been resolved and is closed.

### **3.1.3. Stage 3 – Formal Complaint Heard by the Head of School/Headteacher or CEO**

If the complainant is dissatisfied with the way the complaint was handled at 'Stage 2', they may proceed to 'Stage 3'. The Head of School/Headteacher or CEO may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

The same timings will apply as in 'Stage 2'. A written acknowledgement will be provided to the complainant within 5 school days of receiving the request for the Head of School/Headteacher or CEO to hear the complaint. The acknowledgement will give a target date for providing a response to the complaint, which should normally be within 10 school days. If the target cannot be met a letter should be written within 10 school days explaining the reason for the delay and providing a revised target date.

The Head of School/Headteacher or CEO will advise the complainant that should they not accept the findings, they can appeal by escalating the complaint to 'Stage 4' to be heard by the Chair of Trustees.

### **3.1.4. Stage 4 – Complaint Heard by CEO or Chair of Trustees**

The complainant needs to write to the CEO, giving details of the complaint.

A letter acknowledging receipt of the written request for the complaint to be heard must be sent within 5 school days and should inform the complainant of the arrangements for hearing the complaint within 15 school days of receiving it. The letter should explain that the

complainant has the right to submit any further documents relevant to the complaint. These must be received within 5 working days of the date of the hearing to allow adequate time for the documents to be circulated.

The CEO will advise the complainant that should they not accept the findings, they can appeal by escalating the complaint to 'Stage 5' to be heard by the Trustees Panel.

### **3.1.5. Stage 5 – Complaint Heard by the Trustees Panel**

The complainant needs to write to the Clerk to the Trust Board.

The clerk should write to the complainant acknowledging receipt of the written request for the complaint to be heard. This acknowledgement must be sent within 5 working days and should inform the complainant of the arrangements for hearing the complaint within 20 working days of receiving it.

The Trustees Panel will be made up of between 3 to 5 members, one of which must be independent of the management and running of the School. No person involved should have previous involvement in the complaint.

If the complaint is about the CEO then the Chair of Trust Board will hear the complaint at 'Stage 3'. If the complainant is unhappy with the outcome at 'Stage 3' then a Trustees Panel, made up of 3 to 5 members that have had no previous involvement with the complaint, will hear it. If the complaint is about the Chair, then the Vice Chair will hear it as a Stage 3 complaint. If the complainant is unhappy with the outcome at 'Stage 3' then a Trustees Panel, made up of 3 to 5 members that have had no previous involvement with the complaint, will hear it.

The findings of the Trustees Panel are final.

Intervention of parallel investigations relevant to the complaint by the Police or social services may cause variation to these time scales. Any such variation will be notified to the complainant.

The Clerk to the Trust Board will send a formal written response to the complainant within 10 working days.

### **3.1.6. Complaint Procedure Referred to Education Funding agency**

If a complaint has been through all the stages of the Trust's complaints procedure but the complainant remains dissatisfied, they can ask the Education Funding Agency (EFA) to review the handling of the complaint.

Further information about referring the handling of a complaint to the EFA can be found at:

The complaints about academies page on the Department for Education website  
<http://www.education.gov.uk/aboutdfe/complaintsprocedure/a00208461/academies>