




Extend Learning
Academies Network

Complaints Policy

Written by:	ELAN executive team	
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Ratified by:	Name: Iain Kilpatrick Signed:  Chair of the Board	Date: 16.1.18
Adopted by Academies:	Bournville Primary School Locking Primary School Meadvale Primary School Milton Park Primary School Oldmixon Primary School Walliscote Primary School Windwhistle Primary School	
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Contents

Rationale:.....	3
Investigating Complaints:.....	3
Raising a Concern or Complaint:	4
Stage 1: Informal:.....	4
Stage 2: Complaint to the Head of School/Headteacher (Formal Stage):	4
Stage 3: Review by the Local Governing Body:	5
Stage 4: Review by the Board of Trustees:	6
The role of the Education and Skills Funding Agency:	6
Vexatious Complaints	6
Complaints Procedure Flowchart.....	7
APPENDIX 1 – Complaints Form	8

Rationale:

The Extend Learning Academies Network (ELAN) is required to have a complaints procedure that meets the standards set out in the [Education \(Independent School Standards \(England\) Regulations 2014](#) Schedule 1, Part 7.

Each academy within ELAN aims to work in partnership with parents and the community and maintain open and positive relationships. Careful consideration will be given to all concerns and complaints and they will be dealt with as quickly as possible. We aim to resolve any complaint through dialogue and mutual understanding and will ensure sufficient opportunity is given for any complaint to be fully discussed, and resolved.

A 'concern' may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'.

A complaint may be generally defined as 'an expression of dissatisfaction however made, about actions taken or lack of action'.

Any person, including members of the general public may make a complaint; an academy must not limit complaints to parents or carers of children who are registered at the academy.

- In the event that a complaint concerns the well-being or safety of a child, the academy have a duty to report this to the Local Authority, and any action taken will be in accordance with the Trust's Safeguarding Policy (which is available on the ELAN website www.extendlearning.org).
- If it is determined that staff disciplinary or capability proceedings are required to resolve an issue, the complainant will only be informed that action is being taken and the outcome of any such action. The complainant will not be entitled to participate, and the details of the proceedings will remain confidential to the Head of School/Headteacher and/or the individual's line manager.
- In order for complaints to be resolved as quickly and fairly as possible, the ELAN Trust request that complainants do not discuss complaints publically via social media such as Facebook and Twitter. Complaints will be dealt with confidentially for those involved, and it is expected that complainants also observe confidentiality.
- To allow for a proper investigation, concerns or complaints should be brought to the attention of the academy as soon as possible. In general, any matter raised more than three months after the event being complained of will not be considered. However, this may be extended in exceptional circumstances, such as the level of complexity of information needed to review the complaint, or difficulties regarding individuals' availability. A mutually acceptable timeframe will then be agreed with all involved.
- It is at the discretion of the Headteacher as to whether anonymous complaints warrant an investigation. It is usual to disregard anonymous complaints unless somebody is prepared and able, to substantiate them.

Investigating Complaints:

The procedure aims to ensure all complaints are dealt with in a time sensitive manner and where possible, dealt with as informally as possible.

At each stage, the person investigating the complaint will make sure 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.

Raising a Concern or Complaint:

The following is an outline of the four stages that can be used to resolve complaints:

1. Stage 1 – Informal
2. Stage 2 – Formal - Complaint is put in writing to the Head of School/Headteacher
3. Stage 3 – Review - Complaint is heard by the Local Governing Body Panel
4. Stage 4 – Review – Complaint is heard by ELAN Board of Trustees

Complaints will be acknowledged within 5 school days and a full response to complainants within 10 school days.

If the complaint is judged to involve complex issues, complainants will be informed within 10 school days when they can expect a full response. Complainants will be kept informed of progress if a lengthy investigation is involved. The main aim throughout the process will be to resolve the matter as quickly and effectively as possible, to everybody's satisfaction.

Stage 1: Informal:

ELAN Trust works to form good relationships within our school communities which enable all parties to feel comfortable with communicating concerns or complaints directly with the member of staff concerned. This may be by letter, telephone or in person by appointment.

We recognise that there is a difference between a concern and a complaint and many concerns can be resolved by simple clarification or the provision of information. It is anticipated that most concerns will be resolved at this informal stage. Whilst this is an informal process, written notes will be kept of all conversations, meetings and agreed actions as they may be required should the matter proceed to the next stage of the process.

In the case of serious concerns, it may be appropriate to address them directly to the Head of School/Headteacher.

If the concern relates to the Head of School/Headteacher this should be raised with the Chair of the Local Governing Body who will share the concern with the Chief Executive Officer of ELAN.

If there is uncertainty about who to contact, advice can be sought from the school office or the Clerk to the Local Governing Body.

Stage 2: Complaint to the Head of School/Headteacher (Formal Stage):

If a concern is not resolved at the informal stage and complainants wish to make a formal complaint, the complaint must be put in writing to the Head of School/Headteacher, who will be responsible for ensuring that it is investigated appropriately.

If a complaint directly concerns the Head of School/Headteacher, the writing should be addressed to the Chair of the Local Governing Body who will share the concern with the Chief Executive Officer of ELAN.

If a complaint concerns the Chair of Governors or a governor, the Clerk to the Governors should be contacted where an informal resolution will be sought. If this fails, the complaint will go

straight to Stage 3 of the procedure and the Vice Chair or an independent investigator will conduct the proceedings.

A Complaint Form is attached to this policy at [Appendix 1](#).

If for any reason complainants are unable to submit the complaint in writing the academy will, on request, offer appropriate help and assistance.

A letter of complaint should include all details which might assist the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents.

It is very important that a clear statement of the actions that the complainant would like the academy to take to resolve the concern are included in the written detail. The completed form, in a sealed envelope, should be passed to the Head of School / Headteacher, Chair of Governors or the Clerk to the Local Governing Body, as appropriate.

The Head of School/Headteacher (or Chair of Governors) may invite the complainant to a meeting to clarify their concerns and to seek an informal resolution. If the complainant accepts that invitation, they may be accompanied by a friend or family member (not acting in a legal capacity), if they wish, to assist in explaining the nature of their concerns. Brief notes of the meeting will be kept and a copy of any written response will be added to the record.

If it is not possible to resolve the complaint through a meeting with the Head of School/Headteacher (or Chair of Governors), arrangements will be made for the matter to be fully investigated using the appropriate procedure. In any case, the complainant should learn in writing, within five working days of the academy receiving the formal complaint, of how the academy intends to proceed. This notification will include an indication of the anticipated timescales.

Any investigation will begin in accordance with the above-mentioned timeline and when it has been concluded the complainant will be informed in writing of its conclusion.

If the complainant is not satisfied with the decision or the manner in which the process has been followed, they can request that the Local Governing Body reviews the process followed by the academy in handling the complaint. Any such request must be made in writing to the Clerk to the Local Governing Body within ten school days of receiving the notice of the outcome, and must include a statement specifying any perceived failures to follow the procedure.

Members of the Reviewing Panel will have no prior knowledge of the content of the complaint, however if the complainant feels that there is likely to be a bias, they have the right to request an Independent Panel. Timescales may be affected whilst members of an Independent Panel are sourced.

Stage 3: Review by the Local Governing Body:

Any review of the decision and/or process followed by the academy will be conducted by a panel of three members of the Local Governing Body. No governor will sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. It is a matter for the academy to identify suitably independent individuals who can fulfil the role and responsibility of the review. The Trust will ensure at least *one member of the panel is independent of the management and running of the academy. This will usually take place within ten school days from receipt of a request.

The review will normally be conducted through a consideration of written submissions, but reasonable requests to make direct representations will be considered sympathetically. The Panel will first receive written evidence from the person making the complaint.

The Panel will then invite representatives of the academy as appropriate to make a response to the complaint (usually the Head of School/Headteacher or the Chair of the Local Governing

Body that has considered the matter). The Panel will also have access to the records kept of the process followed. The complainant will be allowed to attend the review meeting if they wish and can be accompanied.

The complainant and the academy representative(s) will be informed in writing of the outcome, usually within five school days of the Panel meeting. The matter will then be closed as far as the academy is concerned.

The remit of the LGB Panel will be to either:

- Dismiss the complaint in whole or part;
- Uphold the complaint in whole or part;
- Decide on the appropriate action to be taken to resolve the complaint;
- Recommend changes to the school's systems, procedures, or policies to ensure that complaints of a similar nature do not recur.

Stage 4: Review by the Board of Trustees:

If the complaint is not resolved at the end of Stage 3 then the complainant can ask for the complaint process to be reviewed by a panel drawn from the ELAN Board of Trustees. The board will seek to mediate reconciliation between the school and the complainant. The decision of the Board of Trustees Panel will be final from an internal perspective.

After Stage 4 if the complainant wishes to continue to pursue the complaint the matter should be referred to the Education and Skills Funding Agency (ESFA).

The role of the Education and Skills Funding Agency:

The ESFA has a clear responsibility to ensure academies comply with their funding agreements.

If a complaint is sent to the ESFA the ESFA will check whether the complaint has been dealt with properly by the academy. The ESFA will consider whether the complaint falls 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 ESFA will not overturn the academy's decision about a complaint. However, if it finds an academy did not deal with a complaint properly it will request the complaint is looked at again and procedures meet the requirements set out in the Regulations.

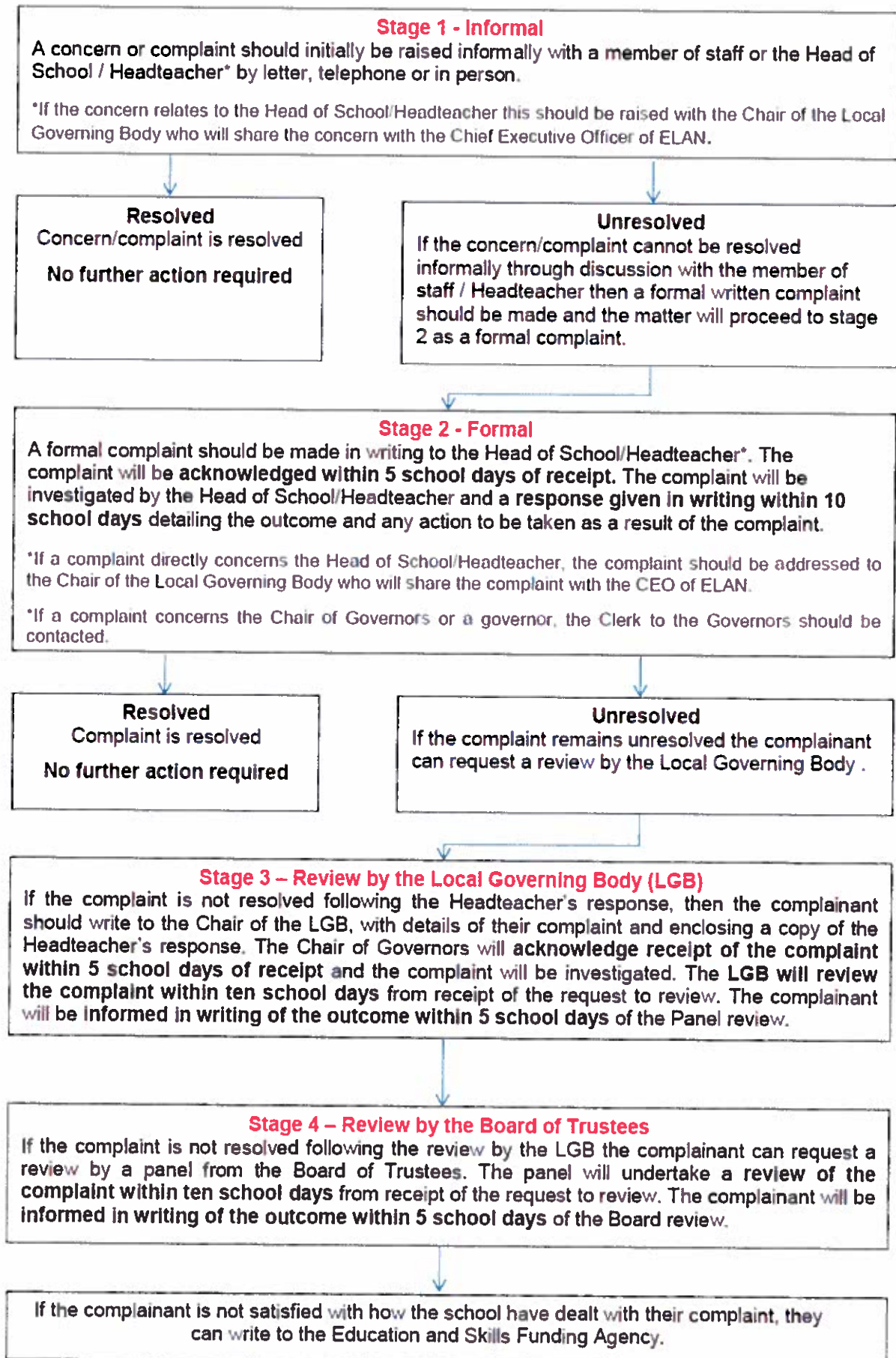
If the academy's complaints procedure does not meet the Regulations, the ESFA will ask the academy to put this right. The ESFA may seek to enforce the decision under the terms of the funding agreement on behalf of the Secretary of State, if appropriate.

Vexatious Complaints:

Whilst it is hoped that this policy will reduce any dissatisfaction with the Trust, it is acknowledged that there may be rare occasions where a complainant continues to be dissatisfied with the Trust and the outcomes achieved under the complaints policy.

Where a complainant attempts to re-open an issue which has already been dealt with under the complaints policy, the Board of Trustees will contact them to inform them that the matter has already been dealt with through the complaints policy and the matter is considered closed. Where further correspondence is received on the same matter, this may be considered vexatious and the Trust will be under no obligation to respond to that correspondence.

Complaints Procedure Flowchart



APPENDIX 1 – Complaints Form

(Academy Name) Complaints Form

Your Name	
Pupils name (if applicable)	
Your relationship to the pupil (if applicable)	
Address	
Daytime telephone number*	
Evening telephone number*	
Email	
*Please indicate preferred contact option	
Please give details of your complaint	
What action, if any, have you already taken to try to 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 supporting paperwork? If so, please give details:	
If it has been more than three months since the incident, please explain the delay in making your complaint.	
Signature	
Date	