

Complaints Procedure:

A. Purpose:

To consider, respond and as appropriate act upon parental/guardian/carer complaints and those from other external, non-professionally involved parties. (e.g. workplaces in the area, visiting sales-people, Council engineers)

B. Informal:

1. Ideally an informal conversation with the person/persons concerned will resolve matters.
2. If an informal conversation fails to resolve matters, or you feel you would rather speak with somebody else, then informal contact to the following persons is worth considering prior to moving into formal procedure.
 - a. If any parent/guardian is unhappy with the education that their child is receiving, or has any concern relating to the Academy or trust, we encourage that person to talk to the child's class teacher at the earliest reasonable opportunity.
 - b. If the complaint relates to the class-teacher please contact either their line-manager if known or the Head teacher.
 - c. If the complaint involves the Headteacher then contact should initially be with the Chair of Governors.
 - d. If the complaint involves the entire Academy then contact should be made with Chief Executive.
 - e. If the complaint involves the Chief executive then contact should be with the Trust Board.
 - f. If the complaint involves the entire Trust then contact should be with one of the designated bodies found in the whistle-blowing policy.
3. In all events, if the allegation relates to Safe-Guarding, the safe-guarding procedure takes precedence.
4. It is important to note that any person/persons contacted may advise either an informal or formal procedure and in some circumstances is obliged to take action regardless of your intention; if this should happen, every effort to protect request anonymity will be made but cannot be assured.
5. Where possible the Trust hopes that resolution will be reached through informal conversation and if necessary interventions, such as:
 - a. Mediation
 - b. Conflict resolution
 - c. Amended provision or practice
 - d. Explanation
 - e. Alternative resourcing
 - f. Additional support or guidance.

C. Formal Complaints Procedure (Stage 2)

1. We deal with all complaints in compliance with guidance/regulation set out by the Department for Education, The Education Funding Agency (EFA) and The Education (Independent School Standards) Regulations 2010.
2. We have adopted a three-stage process for dealing with complaints:
 - a. Stage 1 – Complaint heard by member of staff
 - b. Stage 2 – Complaint heard by Headteacher (or appropriate senior person)
 - c. Stage 3 – Complaint heard by Complaint Panel (at appropriate level or by external body)
3. A formal complaint should be made in writing. If a person or persons is uncomfortable doing this then the person receiving the complaint will, to the best of their understanding and ability, record the complaint in writing.
 4. Where possible individuals/organisations are encouraged to record their initial desired outcome/resolution at the point of making the complaint.
 - a. The person/s receiving the complaint will decide, after considering the complaint, the appropriate course of action to take.
 - i. This may include referring the complaint to a person/s with more authority.
 - ii. In this instance, the complainant will be advised as far as reasonably possible of what has/is occurring.
 - b. In most cases, the person receiving the complaint will meet or speak with the parents/guardians concerned to discuss the matter.
 - i. If possible, a resolution will be reached at this stage.
 - ii. The person dealing with the complaint will use reasonable endeavours to speak to or meet the complainant within 10 working days of the formal complaint being received.
 - c. Once, so far as practicable, all of the relevant facts have been established, a decision will be made which will be communicated to parents/guardians in writing giving the reasons for the decision. The written decision should be provided, generally, no later than 10 working days after speaking with or meeting with the complainant to discuss the matter.
 - i. In certain circumstances a formal investigation may be required and an investigating officer appointed, in such cases, where legally permitted, the complainant will be kept apprised of progress.

- ii. Any deliberate attempt to delay process, response, investigation or resolution will be regarded as warranting consideration as misconduct.
- d. The Academy and where appropriate Trust will hold a written record of all formal complaints, including records of meetings and interviews held in relation to the complaint, and the Academy's decision.
 - i. The record, where the complaint involved a pupil, will be retained for 1 year after the pupil leaves the Academy/Trust and/or three years for all other matters unless formal procedure and/or regulation requires otherwise.

D. Complaint Panel (Stage 3) Appeal

1. In the event that the complainant is unsatisfied with a resolution at stage 2 then they may seek to invoke Stage 3.
 - a. A request must be made in writing addressed to the Clerk to the Governors for matters internal to a specific Academy.
 - b. The Chief Executive Officer for matters pertaining to an entire Academy including the Governing Body.
 - c. To the Trust Board for matters concerning the Chief Executive officer.
 - d. For matters encompassing the entire Trust, whilst informal resolution would be welcomed it is possible to contact one of the organisations referenced in the Whistle-blowing policy.
2. This request for further assessment of the complaint will, for the purposes of this procedure, be known as an 'appeal'.
3. Complainants should lodge their appeal in writing within 10 working days of the date of the Stage 2 decision.
 - a. Where this is not possible the complainant is required to explain why and the grounds will be considered by panel prior to agreeing to proceed.
 - i. Examples of potential grounds would be a promised resolution not being delivered.
 - ii. A decision being made based upon incomplete and inaccurate information.
 - b. The complainant is requested to provide, in writing, a list of the complaints made against the Person/Academy/Trust and which they believe to have been resolved unsatisfactorily by the Stage 2 procedure, along with the remedies sought in respect of each.
 - c. The Complaints Panel is only obliged to consider the complaint lodged in this 'initial submission' although they may use their discretion to consider other relevant and related matters that may subsequently arise.

- d. Where an appeal is received, the recipient will, as far as is reasonably possible, within 5 working days, refer the matter to the Clerk or advisor for the relevant Complaints Panel.
 - i. The Clerk/advisor provides an independent source of advice on procedure for all parties.
 - ii. On receipt of an appeal, the Clerk will then endeavour to convene an independent Complaints Panel hearing as soon as possible, usually no later than 20 school days after receipt of complaint.
 - iii. The Independent Complaints Panel will consist of three governors, Trust members or senior employees of the Trust not previously involved in the complaint, with sufficient expertise and with sufficient authority to be reasonably deemed independent.
 - 1. At Academy level, if possible at least one Local Governor must be on the panel.
 - 2. At Trust level at least one person capable of representing the trust as an employer must be present.
- e. The following are entitled to attend a hearing and/or, submit written representations and address the Panel:
 - i. The complainant/s
 - ii. The Headteacher of the Academy (formatters pertaining to a specific academy) unless directly involved, or the CEO unless directly involved.
 - iii. Any other interested person whom the Complaints Panel considers to have a reasonable and just interest in the appeal and whose contribution would assist the Panel in their decision-making.
 - iv. Any person providing formal (i.e. Professional) support to the complainant and/or the person/s subject to complaint provided that there is no conflict of interest. Unless specifically approved, people acting as legal professional and members of the media are not acceptable. Trade/Professional Union/Association officials are. If in doubt the decision of the panel takes precedence.
 - v. Where required, the Complaints Panel may request any reports, documents, chronology or other useful information in advance of the hearing. Evidence will be sent to and collated by the Clerk who will distribute the information to the relevant parties as far as is reasonably possible in advance of the hearing.
 - vi. The deliberations of the panel will be formerly minuted and will be made without the observation and in accordance with the Academy/Trust guidance for panels and hearings.

- f. After due consideration of the facts considered relevant, the Panel will reach a decision, and make recommendations, which it shall complete within 10 working days of the hearing. The decision reached by the Complaints Panel is final. Any decision reached that may have financial implications for the Academy will need the appropriate approval from the Academy Trust, although any such approval must be compatible with the decision of the Complaints Panel.
- g. There is no further right of appeal.
 - i. In the event a complainant considers a local governing body decision was improperly or illegally reached they make a new and specific complaint to the Trust.
- h. All complainants have the right, as a last resort, to contact the Education Funding Agency (or statutory equivalent) if they are not satisfied with the way in which their complaint has been considered.

E. Monitoring, Evaluation and review

- 1. The Trust and Local Governing Bodies will, from time to time, develop and implement monitoring and evaluation procedures to investigate such matters as:
 - i. Trends
 - ii. Satisfaction
 - iii. Implementation

F. Malicious and/or Personal Complaints:

- 1. Any person found to be making a potentially malicious complaint against an employee or organisation will be subject to consideration by the appropriate trust authority with regard to further action. Such action may extend to:
 - i. Informal discussion
 - ii. Prohibition and restriction orders
 - iii. Involving of legal authorities including Police, Mental health, Social Services, Local Government, Ombudsmen.
- 2. Any employee subject to a complaint must be able to rely upon the employer's duty of care. To this end, so far as legally permitted the employer shall:
 - i. Inform the employee at the earliest opportunity of the complaint
 - ii. Advise of available support (including that offered internally and that provided by professional bodies)
 - iii. Seek, as far as is legally possible, to keep the employee apprised of the cases progress.
 - iv. Aim to seek as swift and amicable resolution as possible.
 - v. Encourage informal resolution
 - vi. Monitor well-being on a regular basis and provide, as far as is reasonably possible, appropriate support.

Signed:

Date Adopted By Academy: November 2017

Signed: