



# Complaints Policy and Procedure

General arrangement and responsibilities

(Ref: TB6)

Approved by Trust Board			
Committee	Name	Signature	Date
Chair of the Trust			
Chief Executive Officer			

Implementation date: Autumn 2019

Review date: Autumn 2020

Responsible for policy/document	Assistant Headteacher
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## **1.0 Introduction**

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.

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 academy's policy and practice

## **2.0 Scope**

A complaint is an expression of dissatisfaction, however made, about the standard of service, actions or lack of actions by the Academy or its staff that affects an individual or a group and requires a response from the Academy. Complaints made by staff should be dealt with via the Trust Grievance Policy.

**2.1** It is tempting to say that anonymous complaints should be disregarded unless somebody is prepared to substantiate them, but the danger in this is that they may be related to something quite serious and, if the foreseen eventuality occurs, to the detriment of the Academy, the complaints may surface subsequently and say *"well, I may not have put my name to it, but I did at least warn them it was going to happen."* Such complaints should be left to the Headteacher's discretion to decide whether the gravity of an anonymous complaint warrants its investigation.

## **3.0 Principles and Guidelines**

The underlying principle of our complaints procedure is that where possible, complaints should be resolved informally. It may be that following the stages outlined in these guidelines, formal procedures may be avoided. However, this procedure describes formal steps that can be taken by complainants should they feel that their concerns cannot be resolved informally.

**3.1** In most cases the person who is the subject of the complaint, will receive the first approach. It would be helpful if staff attempt to resolve issues on the spot, including apologising where appropriate and necessary.

**3.2** Governors receiving complaints should refer complainants back to this Policy rather than take these on themselves.

#### **4.0 Aims & Timescale**

The main aim at all stages of these guidelines will be to secure that the complaint is fully considered and the complainant is given an appropriate hearing and a clear decision is issued which will enable the complainant, the Chief Executive Officer and the Trust Board to consider how, if at all, the matter should be taken further.

4.1 The timescale for dealing with individual complaints will differ according to the complexity of the issue concerned. The aim of these guidelines is to ensure that all complaints will be considered fully, fairly and carefully, and that complainants will be kept informed. It is reasonable that persons seeking to resolve matters of concern to them, unless there is good reason not to do so, should receive an acknowledgement/response within **five** working days of making initial contact.

## **5.0 Investigating Complaints**

It is suggested that at each stage, the person investigating the complaint makes sure that they:

- a) Establish what has happened so far, and who has been involved;
- b) Clarify the nature of the complaint and what remains unresolved;
- c) Meet with the complainant or contact them (if unsure or further information is necessary);
- d) Clarify what the complainant feels would put things right;
- e) Interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- f) Conduct the interview with an open mind and be prepared to persist in the questioning;
- g) Keep notes of the interview.

## **6.0 Resolving Complaints**

At each stage in the procedure, the Academy will want to keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- a) An apology;
- b) An explanation;
- c) An admission that the situation could have been handled differently or better;
- d) An assurance that the event complained of will not recur;
- e) An explanation of the steps that have been taken to ensure that it will not happen again;
- f) An undertaking to review Academy policies in light of the complaint.

**6.1** It would be useful if complainants were encouraged to state, what actions they feel might resolve the problem at any stage. An admission that the Academy could have handled the situation better is not the same as an admission of negligence.

## **7.0 Vexatious Complaints**

If properly followed, a good complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Chair of the Trust Board is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

## **8.0 Preliminary Stage**

Complaints are not always easy to define. It is therefore important to keep in mind the distinction between concerns, problems and complaints. They often arise from the consequences or perceived consequences of resource allocation, operational difficulties, working practices or individual action. It is not intended that the guidelines suggested in this document should replace the normal discussion which takes place on day to day problems and concerns as they arise. It is only where the complainants remain dissatisfied with the outcome of such discussion that further steps may need to be taken.

## **9.0 Informal Stage**

At the first stage, the complainant should raise their complaint directly with the person whose actions or behaviour it is about. If this does not result in a satisfactory resolution, the complaint should be raised with the Chief Executive Officer making clear that it is a complaint.

**9.1** A degree of discretion by the Headteacher should always be allowed in dealing with complaints. It may not be appropriate in all situations to advise all complainants to put their concerns in writing. In some cases this would over formalise the situation which would have the effect of pushing people into defensive and possibly entrenched positions for which it would be difficult to achieve a resolution. On the other hand, requesting a complainant to commit their concern to paper may help to clarify the issue, particularly with a frequent complainant.

**9.2** Colleagues to whom the complaint has been referred by the Headteacher have a duty to inform the Headteacher if any issue is not resolved after discussions and careful explanation to the complainant. In some circumstances, the Headteacher will refer complainants to the appropriate member of the Leadership Group. In the absence of the Headteacher, urgent complaints will be dealt with by an Assistant Headteacher.

**9.3** Further attempts to resolve the issue informally, if not achieved by discussions with senior staff, might involve the discussion of the matter by the complainant with the Headteacher. However, it is not appropriate for complainants to keep being asked to return for further informal discussion. If the issue remains unresolved to the complainant's satisfaction, he/she should be advised of the avenues available to enable the complaint to be resolved formally. Those dealing with complaints should consider whether or not to invite to the informal discussion any staff member named as involved in the matter. However, hostile confrontation and entrenched defensive positions will not aid resolution of the problem, and should be avoided.

**9.4** Senior staff will use their professional judgement in sharing with staff information concerning complaints. However, a member of the teaching staff or support staff has a right to be informed if a serious complaint is made

against him or her, and may wish to consult their professional association or legal advisor in defending themselves.

#### **10.0 Outcome of the Informal Stage**

When these informal processes have been exhausted, complainants should be informed clearly by the Chief Executive Officer either, that the matter about which the complainant had raised concerns had been dealt with by senior staff within the context of established Academy policies and procedures; or he/she will take steps to resolve the complaint within his/her management remit; or he/she will refer the matter to the Trust Board if the nature of the complaint merits that course of action in their professional judgment. In determining which course of action to take, the Chief Executive Officer may consult the Chair of the Trust Board. Complainants will be given a summary of the outcome.

#### **11.0 Formal Stage – Complaints Panel**

If, on being so informed, complainants remain dissatisfied, they should be advised by the Chief Executive Officer that they have the right to make a formal complaint to the Trust Board. This should be done in writing to the Chair of Trust Board, via the Clerk to the Trust Board, **within seven working days** of the date of notification. The Chair will decide whether the complaint should be dealt with by letter or by a formal meeting. If the Chair decides to convene a formal meeting of Trustees, complainants will be advised that they may if they wish have someone of their choice to accompany and assist them at the formal meeting.

**11.1** The Chair of the Trust Board will respond **within ten Academy working days**.

**11.2** If a hearing is called this will be **held within 20 working days** of notifying the Chair of Governors of a complaint.

#### **12.0 Next Steps – Appeal Panel**

In the event that the parents/carers are not satisfied with the response to both the informal and formal procedures, at the request of the parent/carer there is provision for the establishment of a hearing before a panel appointed by the proprietor of at least three people who have not been directly involved in the matters detailed in the complaint. Where there is a panel hearing of a complaint one person on the panel will be independent of the management and running of the academy. Parents/carers have the right to attend the hearing accompanied by an independent representative. The panel is able to make findings and recommendations and the complainant, proprietors and Chief Executive Officer and, where relevant, the person complained about, should be given a copy of any findings and recommendations. Written records must be kept of all complaints indicating whether they were resolved at the preliminary stage, or whether they proceeded to a panel hearing. All correspondence, statements and records of complaints are to be kept confidential.

### **13.0 Presence of children at formal and informal meetings concerning complaints**

An important purpose of the Academy is to provide a high standard of education and pastoral care for all its students. However, it is unlikely that the resolution of a complaint within these guidelines will be assisted by the presence of students at any meeting between the Headteacher, other staff and the complainant. A meeting, which required the presence of a student, would only be on at which confidential matters or issues relating to named members of staff were not discussed. Senior staff are advised to consult parents if their child is required to clarify facts concerning a complaint and ensure that students do not participate in discussion where they might witness confrontations between adults.

### **14.0 Complaints about the Headteacher or Chief Executive Officer**

Complaints about the Headteacher should be made in writing to the Chair of the Trust Board for initial consideration, addressed to the Clerk to the Governors at the Academy address. He/ she will decide whether to deal with it personally, or convene a Sub-Committee of the Governing Body using the same timings as per the Formal Stage above

### **15.0 Complaints made to the Trust Board**

The Trust Board is responsible for the overall conduct of the Trust and is the employer of all staff in the Academy. In the event of complaints being received by the Trust Board from parents and others, trustees should have regard to the following:-

**15.1** A complaint received by the Trust Board should be referred by the Chair of the Trust Board to the Chief Executive Officer (unless it is about the Headteacher). The Headteacher, if he/she has not already done so, should follow the informal procedure outlined about to resolve the complaint.

### **16.0 Trust Board Review**

The Trust Board, via Chair of Trust Board, will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. Preferably, complaints information shared with the whole Trust Board will not name individuals.

**16.1** As well as addressing an individual's complaints, the process of listening to and resolving complaints will contribute to improvement of the Academy. When individual complaints are heard, Academies may identify underlying issues that need to be addressed. The monitoring and review of complaints by the Academy and the Trust Board is a useful tool in evaluating an Academy's performance

## **APPENDIX**

### **PROCEDURAL ADVICE FOR SENIOR MANAGERS IN CONDUCTING INTERVIEWS WITH COMPLAINANTS WITHIN FORMAL GUIDELINES**

#### **1. In conducting an interview with complainants, Senior Leaders should:**

- a) Have regard to confidentiality at all times. The need to treat conversations and correspondence as confidential is of paramount importance. From the outset all parties to a complaint should be made aware of this advice.
- b) Listen attentively and sympathetically to the complainant, allowing them to explain their concern(s) in their own way, and then, if necessary, try to identify the issue(s) by asking questions and clarifying what has been said.
- c) At the end of the interview with the complainant, decide if it is possible to (i) make an immediate response to their concern(s); (ii) in many situations, it may be necessary to tell them that their concern(s) will be carefully considered and when all the facts and circumstances have been ascertained, they will be contacted within ten working days and informed of the Academy's response to their concern(s).

#### **2. Avoid passing judgement or coming to conclusions before having spoken to any third parties and having considered all the aspects of the complaint.**

- a) If the complaint is against a third party, ensure that they have an opportunity to explain the situation as they see it, but not necessarily in the presence of the complainant.
- b) Examine the general context and constraints of the situation and consider if there are any precedents.
- c) When all the facts and circumstances relating to the matter have been ascertained, decide how the complaint(s) should be disposed of.
- d) The complainant should then be clearly informed of the Academy's response to the complaint(s) and of the alternative formal procedure which are open to the complainant if he/she wishes to pursue them.
- e) In some circumstances, a resolution of the complainant's concern(s) may be achieved by informal discussions between the complainant and the Academy which leads to a reasonable resolution of the problem.

#### **3. Endeavour at all times to conclude the informal procedures as quickly as possible.**



#### **4. Procedures for Trust Board Complaints Panel Meetings**

Individual complaints would not be heard by the whole Trust Board at any stage as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

4.1 The Trust Board may nominate a number of members with delegated powers to hear complaints at that stage, and set out its terms of reference. These can include:

- a) drawing up its procedures;
- b) hearing individual appeals;
- c) Making recommendations on policy as a result of complaints.

4.2 The panel can be drawn from the nominated members and may consist of three or five people. The panel may choose their own chair. One member of the panel will not be member of the Trust Board, as he/she needs to be independent of the management and running of the Academy.

#### **5. The Remit of the Complaints appeal panel**

5.1 The panel can:

- a) dismiss the complaint in whole or in part;
- b) uphold the complaint in whole or in part;
- c) decide on the appropriate action to be taken to resolve the complaint;
- d) recommend changes to the Academy's systems or procedures to ensure that problems of a similar nature do not recur.
- e) provide the complainant and where relevant, the person complained about, with a copy of the findings and recommendations.

5.2 There are several points which any governor sitting on a complaints panel needs to remember:

- a) It is important that the appeal hearing is independent and impartial and that it is seen to be so. No trustees may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, trustees need to try to ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.
- b) The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the Academy and the complainant. However, it has to be recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
- c) An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child, and may choose to be accompanied. The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.
- d) The governors sitting on the panel need to be aware of the complaints procedure.

## 6. Roles and Responsibilities

### 6.1 The Role of the Clerk

All Complaints Panels will be clerked. The Clerk would be the contact point for the complainant and be required to:

- a. set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- b. collate any written material and send it to the parties in advance of the hearing;
- c. meet and welcome the parties as they arrive at the hearing;
- d. record the proceedings;
- e. notify all parties of the panel's decision.

### 6.2 The Role of the Chair of the Trust Board or the Nominated trustees

The Nominated Trustees role:

- a. check that the correct procedure has been followed;
- b. if a hearing is appropriate, notify the Clerk to arrange the panel;

### 6.3 The Role of the Chair of the Panel

The Chair of the Panel has a key role, ensuring that:

- a. the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- b. the issues are addressed;
- c. key findings of fact are made;
- d. parents and others who may not be used to speaking at such a hearing are put at ease;
- e. the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- f. the panel is open minded and acting independently;
- g. no member of the panel has a vested interest in the
- h. outcome of the proceedings or any involvement in an earlier stage of the procedure.