

## Complaints Policy

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Signed by Trust/Committee Chair: *Karen Dovaston* \_\_\_\_\_

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# Contents

1. Our approach to complaints .....	3
2. Compliments .....	3
3. Concerns.....	3
4. Complaints .....	4
5. Who deals with complaints within the Trust and the Academies? .....	4
6. Principles that apply for all complaints .....	4
Receiving concerns or complaints.....	5
What are the timescales for dealing with a concern or a complaint?.....	5
The procedure for an appeal committee hearing if your concern or complaint escalates to Stage 3, formal level.....	5
Documents and statements that will be considered .....	6
Who does what at the Appeal hearing?	
The role of the clerk.....	6
The role of the Chair of the Panel.....	6
What happens at the Appeal Hearing Panel? .....	7
Decision .....	7
Notification of the Panel's decision.....	7
Record keeping .....	7
The role of the ESFA (Education Schools Funding Agency) .....	7
The role of the DFE (Department for Education) .....	8
 Appendix A - Good Practice for Investigators .....	 9

### **Our approach to complaints**

The academies of the SECAT are committed to providing a happy, caring and safe learning environment for all, where everyone feels valued and grows in confidence and independence. We are a community, multi academy trust, dedicated to serving our local community and the children within, recognising and celebrating the different characteristics of each school within our trust whilst bringing our family of schools together.

We promote happiness through a creative, exciting, and practical curriculum, which generates a love of, and interest in, learning and a resilience and hope which supports us through challenging times.

Great value is placed on pupils' self esteem, which is developed through a positive and motivated attitude to learning, a healthy lifestyle, good social skills, self-discipline, and a positive self-image.

We promote the highest standards of achievement in all areas of the curriculum and help all pupils to fulfil their potential regardless of gender, race or ability.

We foster respect and responsibility for all by establishing good relations between the school and home and community. Pupils are taught respect for themselves, others and the environment. They are also taught to take full responsibility for their own choices and responsibility for themselves and their community.

We encourage truth and honesty in all aspects of school life – relationships, work and the curriculum and learn to trust and accept others' individuality and uniqueness.

### **Compliments**

These are always welcome and very encouraging to teachers and staff. The Trust encourages feedback or opinions from pupils, parents, and carers. In practice this dialogue is continuous, sometimes directly and also indirectly, for example, through the Parents' Association. It may not always be possible to act immediately on feedback, but pupils and the school always benefit so please don't hold back.

### **Concerns**

It is natural that parents or other interested parties may, occasionally, be concerned about an aspect of their child's education, welfare at their Academy or other operational aspect of Trust matters. This could include issues concerning the Academy's approach to aspects of the curriculum, homework, behaviour issues or any other issue.

The Academies and Trust welcomes enquiries from parents or other interested parties about any matter. Teachers and staff will explain the Academy practices, policies, and how they affect the pupils. The vast majority of concerns will be handled by the class teacher or administrator. If in doubt, please escalate your concerns in line with this policy.

For Academy related matters please speak to your child's class teacher or contact the Academy office in the first instance. At all times, the staff will help to resolve the problem. If occasionally parents or other interested parties feel they must state their concern formally, this too is not a problem. The Academy has defined procedures for handling complaints.

For trust-wide or central team matters please speak to the SECAT Central Office team in the first instance. Staff will be happy to listen to any concerns and will do their best to help with any queries.

## **Complaints**

Complaints can only be heard about a situation that has occurred in the **previous 6 weeks**, though an extension will be granted about a situation that occurred immediately prior to the summer break.

Complaints from members of staff are managed via the Trust's grievance procedure not through this policy. At no stage in the complaints process will information be shared with the complainant about another pupil, parent, or staff member.

At all times in the process the behaviour of the Academy and Trust representative and the complainant will be professional and respectful. Information must never be published on social media about a complaint and the investigation process will be halted if this is done, until it is removed. Anonymous complaints cannot be dealt with.

It is in all parties' interest to resolve a complaint at the earliest possible stage. The aim will be to resolve the complaint and achieve reconciliation between the school and the complainant.

### **Who deals with complaints within the Trust and the Academies?**

The basic position is that a complaint will not be investigated or dealt with by the person who is being complained about. There is a structure for dealing with complaints and it is as follows:

<b>Ref</b>	<b>Complaint about</b>	<b>Initial contact</b>	<b>Stage 1 – Informal investigation by</b>	<b>Stage 2 – Formal investigation by</b>	<b>Stage 3 – Complaints panel hearing sourced from</b>	<b>Stage 3 – Complaints panel clerked by</b>
1	Academy related issue	Class teacher/ Academy receptionist	Senior staff member in Academy	Head Teacher of Academy	2 from academy governors + one trustee	Clerk to the TB
2	Head teacher	Clerk to the Trust Board	Chief Operating Officer	CEO	2 trustees + one external person	Clerk to the TB
3	Trust central staff issue	Clerk to the Trust Board	Chief Operating Officer	CEO	2 trustees + one external person	Clerk to the TB
5	CEO	Clerk to the Trust Board	Vice Chair of Trust Board	Chair of Trust Board	2 trustees + one external person (not the Chair of Trust Board)	Clerk to the TB
6	Chair of TB	Clerk to the Trust Board	Vice Chair of Trust Board	Independent 3 <sup>rd</sup> party	2 trustees + one independent	External clerk
7	Vice Chair of Trust Board	Clerk to the Trust Board	Chair of Trust Board	Independent 3 <sup>rd</sup> party	2 trustees + one independent	External clerk
8	Trustee – other than Vice Chair and Chair	Clerk to the Trust Board	Vice Chair of Trust Board	Chair of Trust Board	2 trustees + one external person (not the Chair of Trust Board)	Clerk to the Trust Board

### **Principles that apply for all complaints**

Our aim is to address concerns, wherever possible without the need for formal procedures and whilst this policy outlines the complaints procedure, it does not in any way undermine

efforts to resolve concerns informally. Formal procedures are invoked when initial attempts to resolve a concern have been unsuccessful and the complainant has communicated that they wish to take the matter further

When investigating a concern or a complaint the aim is to:

- Seek to establish what has happened and who has been involved.
- Clarify the nature of the complaint and what remains unresolved.
- Speak to the complainant or contact them if further information is required.
- Clarify what the complainant feels would put things right.
- Interview those involved in the matter (at the formal stage those being interviewed may be accompanied).
- Conduct any interviews with an open mind but be prepared to persist in the questioning.
- Keep notes of any discussion and include a clear chronology of events.

At every stage of the procedure, the ways in which a complaint can be resolved is at the forefront of our considerations. It may be sufficient to acknowledge that the complaint is valid in whole or in part and, as a result, is appropriate to offer one or more of the following:

- An apology
- An explanation
- An admission that the situation could have been handled differently or better
- An assurance that actions have been taken to prevent recurrence of the subject of the complaint
- An explanation of the steps that have been taken to prevent recurrence of the subject of the complaint
- An undertaking to review Trust policies in the light of the complaint.

Following an investigation of events sometimes no clear conclusion may be drawn. We accept that this may be frustrating for all parties concerned.

If following investigation, the complaint is considered to be vexatious the complainant will be informed in writing and no further action will be considered.

### **Receiving concerns or complaints**

Any concern or complaint received, however it is received, whether by telephone, by email or in writing will be passed to the initial person contact as set out in the chart in above.

### **What are the timescales for dealing with a concern or complaint?**

- Stage 1, Informal – we aim to address concerns or complaints at this level within 10 days
- Stage 2, Formal – We aim to acknowledge your complaint within 3 working days. We aim to resolve the complaint in 15 working days
- Stage 3, Formal – We aim to acknowledge complaint 3 working days. We aim to arrange the appeal committee hearing within 20 working days and provide a written outcome within 10 working days

### **The procedure for an appeal committee hearing if your concern or complaint escalates to Stage 3, Formal level**

Who can attend an appeal committee hearing?

- the person making the complaint or someone to speak for them. Other than in exceptional circumstances, and with the agreement of the Chair of the Appeal Panel, it is not appropriate for a legal representative to attend

- the Headteacher of the Academy if the complaint is about them or their Academy. If the complaint is about the Headteacher, the Headteacher may bring a union representative as support
- the Chief Executive Officer and if the complaint is about the Chief Executive Officer, they may bring a union representative as support
- any other person who the Appeal Panel considers to have a reasonable and just interest in the appeal and whose contribution would assist the Panel in their decision making
- The clerk who will be taking minutes

### **Documents and statements that will be considered**

At Stage 2 Formal and Stage 3 Formal complaints, there may be documents or statements to be considered. The following provisions will apply:

- At the Stage 2 Formal, your complaint must be put in writing. That will be done by you or we will write to you setting out what we understand your complaint to be. Unless corrected by you, we will proceed on that basis. If your complaint escalates to Stage 3 Formal, it cannot be added to or altered from the complaint considered at Stage 2 Formal.
- We may produce a chronology setting out key events if the situation is complex. You can do the same if you wish.
- We may produce written statements from Trust employees or advisers.
- You may produce and send to us a written statement setting out your views if you wish.

Any documents, whether produced by us or by you **must** be sent to the clerk of the Appeal Panel no later than 5 working days before the Appeal Hearing.

The clerk will send a copy of all of the papers to you and each Appeal Panel member no later than 3 working days before the Appeal Hearing.

### **Who does what at the Appeal Hearing?**

#### **The Role of the Clerk:**

All panels considering complaints must be clerked. The Clerk would be the contact point for the complainant and be required to:

- 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
- collate any written material and send it to the parties in advance of the hearing
- meet and welcome the parties as they arrive at the hearing
- record the proceedings
- notify all parties of the Panel's decisions

#### **The Role of the Chair of the Panel:**

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

- the correct procedure has been followed
- the remit of the Panel is explained to the parties and each party has the opportunity of putting their case without undue interruption
- the key issues are addressed
- key findings of fact are made
- complainants or others who may not be used to speaking at such a hearing are put at ease
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy

- the panel is open minded and acting independently
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- each side is given the opportunity to state their case and ask questions
- written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.
- Ensure that all parties are able to make their point without undue interruption and that they are also able to reply to points made by other parties

### **What happens at the Appeal Hearing Panel**

The running order will be:

1. The Chair will introduce the Panel members and all other parties.
2. The person making the complaint will speak first, setting out the basis of their complaint.
3. The representative of the school of Trust will speak next.
4. The Panel may ask questions to either party.
5. Each party will have the chance to make a closing statement
6. The Panel will retire to discuss their decision. This will not be in the presence of the parties. The Panel may give a decision on the day or they may take some time to consider their decision. The Panel may need to take expert advice.
7. The decision will be given and then confirmed in writing within 10 days of the Panel Hearing.

### **Decision**

The Panel will aim to reach a decision and make any recommendations within 10 working days of the hearing. If the Panel consider that further investigations are required prior to it reaching a decision, this timescale may be extended. The decision reached is final.

The outcome will be:

- An apology; and/or
- An explanation; and/or
- An admission that the situation could have been handled differently or better; and/or
- An assurance that actions have been taken to prevent recurrence of the subject of the complaint; and/or
- An explanation of the steps that have been taken to prevent recurrence of the subject of the complaint; and/or
- An undertaking to review Trust policies in the light of the complaint.

### **Notification of the Panel's Decision**

The Panel's findings will be sent, in writing, by the Clerk, to the complainant, the Head teacher and the Chair of the Trustees and, where relevant, to the person complained about. The letter will state the reasons for the decision reached and any recommendations made by the Panel.

**Record Keeping** --- The Chair of the Trust will keep a record of all appeals, decisions, and recommendations of the Complaints Appeals Panels.

### **The role of the ESFA (Education Schools Funding Agency) on behalf of the Secretary of State**

If a complaint is referred to the ESFA, the ESFA will check whether the complaint has been dealt with properly by the Trust. The ESFA will only consider complaints that fall into the following three areas:

- Where there is undue delay, or the Trust did not comply with its own procedure when considering a complaint
- Where the Trust is in breach of its funding agreement with the Secretary of State
- Where a Trust has failed to comply with any other legal obligation.

It is unlikely that the ESFA will overturn a Trust's decision about a complaint. However, the EFA will request that the complaint is looked at again from the appropriate stage, if there has been a breach in its own complaints' procedure. If the procedure does not meet the regulation the Trust will be required to rectify any aspects that do not meet the regulations.

Complaints should be sent to:

ESFA via [academy.questions@education.gsi.gov.uk](mailto:academy.questions@education.gsi.gov.uk)

### **The role of the (DfE) Department for Education**

If a complainant is still dissatisfied with the way that their complaint has been handled they may contact the DfE online via the school complaints form or at the postal address below:

Ministerial and Public Communications Division Department for Education  
Piccadilly Gate Store Street Manchester M1 2WD



# Appendix A – Good Practice for Investigators

*The person investigating the complaint should:*

- a. *establish what has happened so far, and who has been involved*
- b. *refer to any existing records or documents*
- c. *clarify the nature of the complaint and what remains unresolved*
- d. *meet with the complainant or contact them (if unsure or further information is necessary)*
- e. *clarify what the complainant feels would put things right*
- f. *interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish*
- g. *conduct the interview with an open mind and be prepared to persist in the questioning;*
- h. *keep notes of the interview*

## **General Points**

- a. *be aware of the timescale and the importance of providing a thorough investigation*
- b. *keep the person who commissioned the investigation and the complainant informed of progress*
- c. *maintain strict confidentiality*
- d. *consider the environment the investigations are conducted in – some places may be intimidating or distressing for children and young people in particular*
- e. *adhere to relevant conventions and legislation such as Data Protection Act, Health and Safety Act and the Human Rights Act*
- f. *check if there have been any previous complaints made by, or on behalf of, the person making the complaint*

## **Getting Started**

*Contact the complainant, ideally by phone, to offer a meeting in person. This meeting should explain the investigation procedure and:*

- a. *allow the complainant to explain how s/he feels and express any strong emotions – s/he should feel as if his complaint has been accepted*
- b. *clarify the complaint and all its individual parts and produce a written record*
- c. *ask what the complainant wants in terms of solution or outcome*
- d. *check whether the complainant needs support of any kind, in order to understand the discussion properly*
- e. *determine whether the complainant needs support during the process e.g. an advocate*
- f. *Read background on the complaint and any relevant legal and administrative policies and procedures*
- g. *Consider whether the complaint could be resolved without further investigation*

## **Planning the Investigation**

- a. *obtain all documentation needed including original versions of documents such as files, log books and timesheets*
- b. *produce a chronology of the sequence of events from the files and identify the names of the individuals most directly involved in the content of the complaint*
- c. *analyse and categorise the complaint into its different elements*
- d. *identify any gaps or discrepancies*
- e. *identify a list of interviewees and give them as much notice as possible of the intention to interview them. Supply them with relevant information on the complaint in advance of the interview, whilst maintaining any duty of confidentiality. Where a child is a potential witness, consider whether it is appropriate and absolutely necessary to interview them. In the rare circumstances where this is necessary, carefully consider the arrangements for the interview, including who should accompany the child*
- f. *arrange the order of interviews in a logical sequence as relevant to the particular complaint*
- g. *inform all those to be interviewed that they may be accompanied by a friend or trades union representative, provided that this person is not within normal line management arrangements with the interviewee and that there are no issues of confidentiality.*
- h. *consider whether a witness is needed for interviews which may be particularly difficult*

- i. *prepare the line of questioning for each interviewee*

### **Interviewing**

- a. *explain the complaint (subject to any duty of confidentiality) and your role clearly to the interviewee and confirm that they understand the complaints procedure and their role in it*
- b. *conduct the interviews in a friendly, professional and relaxed a manner, while ensuring that due process is adhered to:*
- c. *use open not leading questions;*
- d. *do not express opinions in words or attitude*
- e. *ask single not multiple questions, i.e. one question at a time*
- f. *try to separate hearsay evidence and opinion from fact by asking interviewees how they know a particular fact*
- g. *persist with questions if necessary. Do not be afraid to ask the same question twice. Make notes of each answer given.*
- h. *deal with conflicting evidence by seeking corroborative evidence.*
- i. *at the end of the interview, summarise the main points and ask the interviewee if they have anything to add*
- j. *make a formal record of the interview from the written notes as soon as possible while the memory is fresh. Show the interviewee the formal record, ask if they have anything to add, and to sign the record as accurate.*
- k. *keep the complainant informed of the progress of the investigation*

### **The Investigation Report**

*The report should include:*

- a. *chronology*
- b. *list of interviewees*
- c. *the complaints set out in a numbered list*
- d. *your analysis and findings for each point of complaint*
- e. *a record of relevant policy, practice and legislation*
- f. *your recommendations and response to the complainant's desired outcomes*
- g. *any other relevant information*
- h. *a separate addendum for any other issues for the Academy/School*

*A copy of the draft report should be sent to the person who commissioned the investigation, who will advise as to how this will be released*

### **Report Writing Guidance for Investigators**

**Note:** *It is absolutely essential that reports are written clearly and accurately. Careful attention needs to be paid to the use of language – especially the use of jargon or phrases/initials which only a few people would understand.*