

COMPLAINTS POLICY

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1. INTRODUCTION AND SCOPE

1.1 Within this policy 'we' and 'us' means the Federation.

1.2 This policy applies only to parents or carers of students at an academy within the Federation.

1.3 The matters covered by this policy are:

- policies and decisions made by individual members of staff, teams of staff, the Executive Principal, the Local Governing Body or the Board of Directors;
- procedures, following policies or decisions, carried out by individual members of staff, teams of staff, the Executive Principal, the Local Governing Body or the Board of Directors;
- the actions of individual teachers, teams of staff, the Executive Principal, the Local Governing Body or the Board of Directors in fulfilling their duties;
- incidents which occur in the Federation involving students;
- GDPR complaints.

1.4 The following policy applies to concerns, other than

- complaints about child protection matters, which are handled under the Federation Staff Allegations against Staff Policy, and the Federation Student Safeguarding Policy, and in accordance with the relevant statutory guidance;
- school admissions, which are covered by each academy's Admission Policy;
- exclusions, which are covered by the Federation Student Exclusion Policy;
- whistle-blowing, which is covered by the Federation Stakeholder Whistle-Blowing Policy;
- staff grievances and disciplinary procedures, which are covered by the Federation Grievance and Disciplinary policies;
- those relating to the statementing of students with special educational needs which are governed by a separate statutory process via the local authority;
- complaints about services provided by other providers who may use the premises, who should have their own complaints procedures.

1.5 Complainants who are not parents/carers of students at an academy within the Federation should refer to Appendix B.

2. PRINCIPLES FOR INVESTIGATION

2.1 When responding to complaints, we aim to:

- be impartial and non-adversarial;
- facilitate a full and fair investigation;
- address all the points at issue and provide an effective and prompt response;
- respect complainants' desire for confidentiality;
- treat complainants with respect and courtesy;
- ensure that any decisions we make are lawful, rational, reasonable, fair and proportionate;
- keep complainants informed of the progress of the complaints process.

2.2 Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

2.3 At each stage, the person investigating the complaint should ensure 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 about, allowing them to be accompanied if they wish;
- conduct the interview with an open mind and be prepared to persist in the questioning and keep notes of the interview;
- set realistic and reasonable time limits for each action within each stage.

2.4 At each stage in the procedure, we will consider ways to resolve a complaint. 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:

- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained about will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review policies in light of the complaint.

2.5 An admission that we could have handled the situation better is not the same as an admission of negligence. It is important to clarify any misunderstandings that might have occurred in order to create a positive atmosphere in which to discuss any outstanding issues.

2.6 If the initial complaint is made to a Governor, the Governor should refer the complainant to this policy, in order for the correct procedure to be followed. Governors do not have the authority to act unilaterally on an individual complaint outside the formal procedure, or to be involved at the early stages, as it would prejudice their possibility of involvement at a later stage.

2.7 All complaints will be recorded and kept confidential.

3. TIMESCALES

- 3.1 We expect complaints to be made within 3 months of the issue arising. If the complaint is about a series of related incidents, the complainant must raise the complaint within 3 months of the last incident.
- 3.2 Additional time may be given in exceptional circumstances where there are valid reasons for not making a complaint at that time, and the complaint can still be investigated fairly for all involved.
- 3.3 We will consider complaints made outside term time to have been received on the first school day after the holiday period.
- 3.4 If at any point we cannot meet the timescales we have set out in this policy, we will:
 - set new time limits with the complainant;
 - send the complainant details of the new deadline and explain the delay.

4. STAGES FOR COMPLAINTS MADE AGAINST MEMBERS OF STAFF OTHER THAN THE EXECUTIVE PRINCIPAL AND/OR GOVERNORS

- 4.1 STAGE 1 – complainant discusses the issue directly with the member of staff involved.
- 4.2 STAGE 2 – complainant discusses the issue with a senior leader. This is likely to be Vice Principal or Head of School, however, if appropriate, it may be a Senior Assistant Principal.
- 4.3 STAGE 3 – formal written complaint is heard by the Executive Principal.
- 4.4 STAGE 4 – the Executive Principal refers the complaint to a Governors' Hearing Panel which hears the complaint.

5. STAGE 1: COMPLAINT HEARD BY STAFF MEMBER

- 5.1 It is expected that any concerns expressed by parents and carers will, in the first instance, be dealt with by the member of staff about whom they have a concern.
- 5.2 Complaints regarding the Federation's support of students with special educational needs (SEN) should, in the first instance, be made to the relevant academy's Special Educational Needs Co-ordinator (SENCO).
- 5.3 The complainant should raise the complaint as soon as possible. If the complainant is unclear how to contact the staff member, they should contact the relevant academy's reception.
- 5.4 The Federation would expect complaints at this informal stage to be resolved within 5 school days.
- 5.5 If the complainant is dissatisfied with the outcome of the complaint it may be referred to Stage 2.
 - 5.5.1 In this case, the complainant should submit the form found at Appendix A within 10 school days, directly to the relevant senior leader. Their contact details can be obtained by contacting the relevant academy's reception.

- 5.5.2 If the complainant instead wishes to speak to the senior leader and make the complaint verbally, the senior leader will fill in the form on the complainant's behalf.
- 5.5.3 The principle underlying this policy is that complaints are resolved by informal means wherever possible. However, if the complainant does not feel able to raise the complaint directly with the member of staff, Stage 2 must be followed.

6. STAGE 2: COMPLAINT HEARD BY A SENIOR LEADER

- 6.1 The complaint will be heard internally by a senior leader who is neither the Executive Principal nor the subject of the complaint.
- 6.1.1 The senior leader will follow the principles outlined in section 2 of this policy.
- 6.1.2 An initial response will be provided as soon as possible and, in any event, within 5 school days, with a final resolution of issues arrived at as soon as possible.
- 6.2 If the complainant is dissatisfied with the outcome of the complaint at Stage 2, they may ask for it to be raised at Stage 3. They would need to make this request within 10 school days.

7. STAGE 3: COMPLAINT HEARD BY THE EXECUTIVE PRINCIPAL

- 7.1 Unless the Executive Principal is the subject, the complaint will be heard by the Executive Principal.
- 7.2 The Executive Principal will acknowledge receipt of a complaint in writing within 5 school days. The Executive Principal will normally consider the complaint within 10 school days, however, he/she will write to the complainant to inform them if further time is needed.
- 7.3 The Executive Principal, or a senior leader who has not previously been involved, will investigate the circumstances and talk to all the various parties involved, keeping notes of the details of the complaint and the views of those involved.
- 7.4 When the Executive Principal is in possession of all the facts, he/she may see the complainant and attempt to resolve the situation.
- 7.5 The Executive Principal will inform the complainant, in writing, within 15 school days of:
- the decision reached, and the reason for it; and
 - any action taken or proposed; and
 - further investigations that may be required.
- 7.6 If the complainant is dissatisfied with the Executive Principal's response, the matter must be referred to a Governors' Hearing Panel who have had no previous involvement with the complaint, via the Clerk to the Trustees (see Stage 4).

8. STAGE 4: COMPLAINT HEARD BY THE GOVERNORS' HEARING PANEL

- 8.1 The Clerk to the Trustees forms a hearing panel consisting of the Chair of this committee, two other Governors or Directors (in the case of issues of finance or staffing), and one member independent of the management and running of the Federation. These Governors must have had no previous involvement with the complaint. Full details of all the facts gathered so far are passed only to these three Governors/Directors and the independent member.
- 8.2 Upon receipt of a complaint referred by the Executive Principal, the Clerk will write to the complainant with details of how the hearing panel will consider the complaint and of the complainant's rights.
- 8.3 The complaint will normally be heard within 20 school days. The Clerk will give the complainant a minimum of 5 ordinary days' notice of the date, time and place of the meeting.
 - 8.3.1 Any reasonable request made by the complainant for an alternative date should result in a mutually convenient alternative date being set at the earliest possible time.
 - 8.3.2 Complainants who do not wish to attend a meeting may present the complaint in writing to the Chair of the hearing panel. However, complainants must submit any material to the Clerk no later than 2 school days before the meeting.
 - 8.3.3 If the complainant rejects the offer of three proposed dates without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.
- 8.4 The complainant can be accompanied to the hearing by a friend or translator; legal representation is not allowed. Staff should normally be represented by the Executive Principal rather than appear themselves. The Executive Principal may also have an adviser present. The Clerk should also be present to record the proceedings.
- 8.5 The hearing panel will not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included.
- 8.6 Where complainants choose to attend in person, the usual order of proceedings shall be as follows:
 - The Chair of the hearing panel will welcome the complainant and introduce those present.
 - Complainants may, if they choose, restate the nature of the complaint.
 - Complainants may be asked questions by the hearing panel and by the Executive Principal.
 - The Executive Principal will be asked to make a statement to the hearing panel regarding the complaint, and may be asked questions by the hearing panel or by the complainant.
 - The complainant is invited to summarise the complaint.
 - The Executive Principal is invited to sum up the Federation's response to the complaint.
 - The hearing panel may ask questions at any point.

- The Executive Principal, complainant and any friend they have brought will be asked to leave.
 - In private, the hearing panel will discuss the issues raised and agree any action to be taken. The Clerk should remain to record any conclusions reached.
 - All parties should, wherever possible, be informed verbally of those conclusions immediately after that meeting. This should then be confirmed in writing by the Clerk within 5 working days.
- 8.7 The hearing panel shall decide whether or not to:
- reject the complaint wholly or partially; or
 - uphold the complaint wholly or partially; or
 - investigate the complaint further;
 - recommend changes to policy to ensure that problems of a similar nature do not recur.
- 8.8 At the next full Governors' or Directors' meeting, a simple statement should be made that a panel has met to consider a complaint. Proceedings should be kept confidential and no further details should be given.
- 8.9 Any outcomes and recommendations as a result of the complaint should be treated in general rather than specific terms.
- 8.10 Separate action will be taken as appropriate if, in the course of consideration of a complaint, it is decided that disciplinary proceedings should be initiated.
- 8.11 If, after all stages of the Complaints Policy have been followed, the complainant tries to reopen the same issue, the Chair of Governors should inform the complainant, in writing, that the policy has been exhausted and that the matter is now closed from the Governing Body's point of view. If the complainant writes again on the same issue then the correspondence may be seen as vexatious and that we have no obligation to respond.
- 8.12 If the complainant is unsatisfied with the outcome of our Complaints Policy after Stage 4, they can refer their complaint to the Education and Skills Funding Agency (ESFA). The ESFA will not overturn our decision about a complaint, however, it will look into:
- whether there was undue delay, and whether the Complaints Policy was adhered to;
 - whether the Federation was in breach of our funding agreement with the Secretary of State;
 - whether we have failed to comply with any other legal obligation.
- 8.13 If the EFSA finds that we did not deal with the complaint properly, it will ask that we re-investigate the complaint. The EFSA can also ask the Federation to correct our Complaints Policy if it is found not to meet regulations. For more information or to refer a complaint, see the following webpage: <https://www.gov.uk/complain-about-school>

9. COMPLAINTS AGAINST THE EXECUTIVE PRINCIPAL, GOVERNORS OR DIRECTORS

- 9.1 The principles of this policy also relate to complaints against the Executive Principal or Governors, which follow a 3 stage process. The complainant should initially try to resolve the issue informally with the Executive Principal or Governor.
- 9.2 If it cannot be resolved informally, or the complainant does not feel able to discuss the matter directly, then Stage 2 will be overseen by the Chair of the Local Governing Body.
- 9.3 If the complainant remains unsatisfied with the response from the Chair of the Local Governing Body, the matter will be dealt with at Stage 3, by a Directors' Hearing Panel.

10. SERIAL AND PERSISTENT COMPLAINANTS

- 10.1 We should do our best to be helpful to people who contact us with a complaint, concern, or a request for information. However, in cases where we are contacted repeatedly by an individual making the same points, or who asks us to reconsider their position, we will need to act appropriately.
- 10.2 There will be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. It is important that we recognise when we have done everything we can in response to a complaint. It is a poor use of time and resources to reply to repeated letters, emails or telephone calls making substantially the same points. If a complainant tries to re-open the same issue, the Executive Principal should inform them that the procedure has been completed and that the matter is now closed.
- 10.3 The decision to stop responding should never be taken lightly, but the Executive Principal should consider whether:
- we have taken every reasonable step to address the complainant's needs;
 - the complainant has been given a clear statement of our position and their options (if any); and
 - the complainant is contacting us repeatedly but making substantially the same points each time;
 - there is reason to believe the individual is contacting them with the intention of causing disruption or inconvenience;
 - the complainant's correspondence has become abusive or aggressive.
- 10.4 Ultimately, if a complainant persists to the point that we consider it to constitute harassment, legal advice should be sought regarding the next steps.

11. UNREASONABLE COMPLAINTS

- 11.1 We are committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening. We define unreasonable complainants as 'those who, because of the frequency or nature of their contacts with us, hinder our consideration of their or other people's complaints'.

11.3 A complaint may be regarded as unreasonable when the person making the complaint:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to cooperate with the complaints investigation process while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented upon, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where our complaint procedure has been fully and properly implemented and completed including referral to the EFSA;
- seeks an unrealistic outcome;
- makes excessive demands on our time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint, in person, in writing, by email and by telephone, while the complaint is being dealt with or has been resolved.

11.4 A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- publishing unacceptable information through a variety of media such as on social media websites and newspapers.

11.5 Complainants should limit the number of communications with the Federation while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome being reached.

11.6 If the behaviour continues, the Executive Principal will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who cause a significant level of disruption, the Executive Principal may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

11.7 In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from the site.

12. DUPLICATE COMPLAINTS

12.1 If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner or family member of the complainant or from another individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account.

12.2 If we are satisfied that there are no new aspects, we will:

- tell the new complainant that we have already investigated and responded to this issue, and the local process is complete;
- direct them to ESFA if they are dissatisfied with our original handling of the complaint.

12.3 If there are new aspects, we will follow this policy again.

13. COMPLAINT CAMPAIGNS

13.1 Where we receive a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the Federation, we may respond to these complaints by sending a template response to all of the complainants.

13.2 If complainants are not satisfied with the Federation's response, or wish to pursue the complaint further, the normal procedures will apply.

14. RECORD KEEPING

14.1 We will record the progress of all formal complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings.

14.2 This material will be treated as confidential and held centrally, and will be viewed only by those involved in investigating the complaint or on the hearing panel.

14.3 This is except where the Secretary of State (or someone acting on their behalf) requests access to records of a complaint, or if the complainant makes a subject access request under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

14.4 Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and Federation Records Retention Policy.

APPENDIX A:
COMPLAINTS FORM



Your name	
Relationship with the Federation (e.g. parent/carer)	
Student name	
Relationship to the student	
Address	
Postcode	
Telephone number	
Please give details of your complaint	
<p>What action, if any, have you already taken to try and resolve your complaint? (e.g. who did you speak to and what was their response)</p> <p>Where possible we would encourage you to speak to the member of staff directly in the first instance.</p>	
What actions do you feel might resolve the problem at this stage?	
Please list any additional paperwork that you have attached.	
Signature:	
Date:	

FOR OFFICIAL USE

Date complaint acknowledged:

By whom:

Complaint referred to:

Date:

APPENDIX B

COMPLAINTS MADE BY PEOPLE WHO ARE NOT PARENTS/CARERS OF STUDENTS AT THE FEDERATION

For the avoidance of doubt, this policy does not apply people who are not parents of pupils at an academy within the Trust. Complaints that fall into this category will be dealt with as follows:

- complainants should first attempt to address their complaint to the academy informally;
- only if this fails to resolve the issue should the complaint be submitted in writing, which will be looked at by a senior leader;
- if the complaint is about the Executive Principal specifically, it should be submitted in writing to the Chair of Directors;
- the person to whom the complaint was addressed will acknowledge receipt of the complaint before considering it and issuing a written response;
- if the complainant wishes to appeal this, then they may write to the Executive Principal (or Chair of Directors if the complaint is about the Executive Principal);
- if the complainant is unhappy with the Executive Principal's response, an appeal may be made in writing to the Resources Committee, which will be considered the next time they meet.