




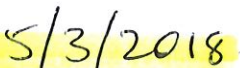
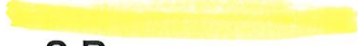
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# Policy for

# Complaints

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Prepared by:	Adopted by Board of Trustees	Signed 	Renewal Date (1 year cycle)
MATBOM/Director of Education Mar 2018	<b>Mar 2018</b> 	 <b>S Bowen</b> ----- Chair of Board of Trustees	<b>Spring Term 2018/19</b>

## **1. Introduction**

1.1 All academies are required to establish a complaints procedure and to publicise that procedure. This will include clear signposting to the procedure in any appropriate academy publications, which should indicate that a copy of the full procedure is available on the academy website and on request from the academy office.

1.2 The intention of this policy and procedure is to provide a clear and transparent process that will enable all complaints to be dealt with as quickly and efficiently as possible. The length of time that this takes will vary with the gravity and complexity of the complaint and the urgency with which it needs to be settled. However, all complaints should be settled within a period which is reasonable in the circumstances.

1.3 This procedure takes into account current Department for Education Guidance (Update Jan 2015).

1.4 All references to working days refer to days on which the academy is open to pupils and also for staff training days.

## **2. Scope of the Procedure**

2.1 This procedure covers all complaints against the Trust and/or its academies by external persons/parties (including parents/carers of attending pupils and people who are not parents of attending pupils) who do not have an alternative statutory avenue of appeal or complaint. Where complainants make allegations of misconduct against members of staff this procedure may be superseded by use of the staff disciplinary procedure or other appropriate staffing procedure, at any time or following recommendations at the conclusion of the complaints process.

2.2 Employees of the academy (and ex-employees who wish to raise an issue relating to their former employment) cannot use this procedure but should raise concerns via the appropriate staffing procedure, full details of which are available from the HR Manager of the Trust or from the academy office.

## **3. General Principles**

3.1 All complaints should be dealt with in a transparent way and as quickly as is reasonably practicable. Complainants should be kept informed during the investigation of their complaint and of the outcome, except where this is confidential, e.g. in the case of a staff disciplinary process. Every effort should be made to resolve complaints in a non-confrontational and informal way.

3.2 The timescales within this procedure should be adhered to as far as is

reasonably practicable. Where this is not possible the complainant should be informed, within the specified timescale, as to why this is the case, and given a revised timescale for dealing with the complaint.

3.3 Local Academy Committees should ensure that they have appropriate arrangements for recording complaints and the way in which they are resolved. Further, that they will regularly (at least annually), monitor the nature and level of complaints, so as to best ensure the effectiveness of the procedure, and consider any underlying issues the academy/Trust may need to address, including whether specific actions identified as outcomes of complaints have been addressed. The Local Academy Committees will report this information annually to the Board of Trustees.

3.4 The Board of Trustees will monitor the nature and level of complaints across all academies, so as to best ensure the effectiveness of the policy and procedure, and consider any underlying issues the academies may need to address.

3.5 Advice on the operation of the procedure is available from the National Governors' Association via the Trust/academy's membership.

#### **4. Resolving Complaints**

4.1 At each stage in the procedure academies will want to consider the ways in which a complaint can be resolved. It may 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 of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review academy policies in light of the complaint.

4.2 At each stage complainants should be asked to state what actions they feel might resolve the issue. An admission that the academy could have handled the situation better is not the same as an admission of negligence.

#### **5. Frivolous or Vexatious Complaints**

5.1 The Office of the Independent Adjudicator has defined frivolous or vexatious complaints as follows:

- Complaints which are obsessive, persistent, harassing, prolific, repetitious;
- Insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason;
- Insistence upon pursuing meritorious complaints in an unreasonable manner;
- Complaints which are designed to cause disruption or annoyance;
- Demands for redress which lack any serious purpose or value.

5.2 An 'unreasonable manner' may include situations where the complainant's frequency of contact with the academy hinders the consideration of the complaint and/or impedes the ability of the Principal and academy to meet the needs of all pupils equitably.

5.3 Where the Principal and/or Chair of Local Governors judges a complaint to be frivolous or vexatious, having considered all the relevant circumstances, s/he should take appropriate action which may include rejecting the complaint and/or restricting contact between the complainant and the academy.

5.4 The Principal or Chair of Local Governors as appropriate should write to the complainant and explain this decision and the reasons for it, and what action will follow.

5.5 Where a complainant seeks to reopen a matter the same as, or similar to, a matter previously considered under the procedure, the Chair of Local Governors has the right to inform him/her that the procedure has been exhausted and the matter is closed.

## **6. Stages of the Procedure**

6.1 Many concerns and minor complaints can be resolved quickly and informally. There are many occasions where issues are resolved immediately through the class teacher or another member of staff, depending upon the nature of the complaint. Unless there are exceptional circumstances every effort should be made by the school to have a full discussion with the complainant before moving into the formal stages of this procedure.

### **First Stage - Informal**

6.2 If the complaint is not resolved through informal discussion with a relevant staff member, the complainant should contact the Principal. The complaint should be made in writing by the complainant (or by another person on their behalf, with their consent) on the complaints form in Appendix B.

6.3 The Principal, or other member of staff nominated by him/her, should offer to meet with the complainant to discuss his/her concerns within ten working

days of receiving the complaint, or as soon as is reasonably practicable. Where necessary the Principal, or nominated member of staff, should carry out a full investigation into the issues raised. The Principal will give a written response to the complainant as soon as possible but, in any case, within ten working days of this meeting. Where the complainant refuses the offer of a meeting this response should be made within ten working days of the receipt of the written complaint. Where the complainant is dissatisfied with this response, the complaint should move to the second formal stage of the procedure.

6.4 Where the complaint is against the Principal, the Chair of Local Governors, another local governor or the Local Academy Committee as a whole, the complaint form should be passed to the Trust head office by the Academy. The complaint will be dealt with by a person nominated by the Trust Board of Trustees.

### **Second Stage - Formal**

6.5 If the complaint cannot satisfactorily be resolved at the first informal stage of the procedure, the complainant should put their complaint in writing to the Chair of Local Governors using the complaints form in Appendix B. The Chair or another Local Governor nominated should offer to meet with the complainant to discuss his/her concerns within ten working days of receiving the complaint, or as soon as is reasonably practicable after this.

6.6 The Chair/ nominated governor will review the investigation and the Principal's decision and may confirm this decision or reach a different decision. The governor may choose to reinvestigate the complaint in whole or in part. The governor may take advice initially from the National Governors' Association advice line via the Trust/academy's membership.

6.7 Where paragraph 6.5 applies the Chair/ nominated governor will conduct an investigation into the complaint. S/he should take appropriate advice in doing so.

6.8 The Chair/ nominated governor will communicate his/her response in writing to the complainant and the Principal as soon as possible but, in any case, within ten working days of the meeting referred to in paragraph 6.5.

6.7. Where the complainant refuses the offer of such a meeting the Chair/governor will inform the complainant and the Principal of the outcome of the investigation within ten working days of receipt of the written complaint or as soon as is reasonably practicable afterwards.

6.9 Where the complainant is dissatisfied with this response the complaint should move to the Panel Hearing Stage of the procedure with the Board of Trustees.

## **Panel Hearing Stage**

6.10 If the complainant wishes to appeal against the decision made at the formal stage s/he must indicate his/her intention to do so within ten working days of receipt of the outcome of the formal stage.

6.11 The complainant should do this by sending a written appeal to the Chair of Local Governors, either by letter or email, or, where the complaint is against the Chair, to the Vice Chair. This should state the original complaint and the reasons for on-going dissatisfaction.

6.12 The Chair of Local Governors (or Vice Chair) will refer the appeal to the Clerk to the Board of Trustees and a panel should be convened, consisting of three members: two Trustees who have had no previous involvement in consideration of the complaint and one independent panel member (this person will have no involvement in the management and running of the academy nor of The Aspire Educational Trust). Where the complainant is a parent, the Trust may wish to consider the possible advantages of this panel including a parent governor. A complaints panel hearing will be held in accordance with the procedure attached at Appendix A.

6.13 The meeting of the appeals' panel should take place as soon as possible, but in any case a date should be set and communicated to the complainant (and academy) within twenty working days of receipt of the appeal.

6.14 The complainant has the right to attend the panel hearing and to be accompanied by one other person if they wish.

6.15 The panel's decision regarding the complaint and the appeal should be communicated in writing to the complainant (and to the Academy Principal) as soon as possible but, in any case, within five working days of the panel hearing. The complainant will have no further right to appeal this decision within the academy/Trust.

## **7. Opportunities to Request a Review**

*7.1 Before complaining to an external body it would usually be expected that all stages of this procedure had been exhausted including complaint to the Board of Trustees panel hearing.*

### *Complaining to the Secretary of State*

7.2 If a complainant believes that the Trust has acted unreasonably s/he can complain in writing to the Secretary of State for Education. In the case of

academies the Secretary of State's responsibility to consider complaints is dealt with by the Education and Skills Funding Agency (ESFA).

The following link can be used to contact the Department for Education:

[https://form.education.gov.uk/fillform.php?self=1&form\\_id=cCCNJ1xSfBE&type=form&ShowMsg=1&form\\_name=Contact+the+Department+for+Education&noRegister=false&ret=%2Fmodule%2Fservices&noLoginPrompt=1](https://form.education.gov.uk/fillform.php?self=1&form_id=cCCNJ1xSfBE&type=form&ShowMsg=1&form_name=Contact+the+Department+for+Education&noRegister=false&ret=%2Fmodule%2Fservices&noLoginPrompt=1)

The ESFA will check whether the complaint has been dealt with properly by the academy. They will consider complaints about academies that fall into any of the following three areas:

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

The ESFA will not overturn an academy's decision about a complaint. However, if they find an academy did not deal with a complaint properly they 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. They may seek to enforce the decision under the terms of the funding agreement on behalf of the Secretary of State, if appropriate.

### *Complaining to Ofsted*

7.3 Ofsted has powers to investigate certain types of complaint from parents to help them to decide whether to inspect a school.

## **8. The Role of the Information Advice and Support Service (formerly Parent Partnership Service and Family Information Service)**

8.1 The Information Advice and Support Service helps parents/carers whose children have difficulties with learning, medical needs or mental health problems, from pre-school age to school leavers. The service is confidential and offers impartial advice and information to enable parents and carers to make decisions about their child's education. This includes supporting parents with complaints to schools/academies or the Local Authority.

8.2 The service can help parents consider what their complaint is about and the options available to them to resolve it, including more informal measures that can be explored in the first instance. If a parent wishes, the service can explain how to put a letter/case together to take the matter forward. Someone from the service can attend meetings with the parent to offer support but doesn't speak on behalf of or make decisions for the parent. The service also offers support after meetings have taken place to consider the conclusions of the meeting and if the parent feels a satisfactory outcome was achieved. If not the parent may have further options to consider.

Contact details for the service are:

Cheshire East

Tel: 0300 123 5166

Website: <http://ceias.cheshireeast.gov.uk/home.aspx>

Email: [ceias@cheshireeast.gov.uk](mailto:ceias@cheshireeast.gov.uk)

Cheshire West and Chester

Tel: 0300 123 7001

Website:

<http://www.westcheshirelocaloffer.co.uk/kb5/cheshirewestandchester/directory/service.page?id=N-0fdd8JwRo>

Email: [iasservice@cheshirewestandchester.gov.uk](mailto:iasservice@cheshirewestandchester.gov.uk)



## APPENDIX A

### *Conduct of Complaints Panel Hearing Meetings*

1 Although this procedure may appear formal, the hearing should be conducted in as informal a way as possible, and the Chair of the panel should make every effort to make all parties feel comfortable.

2 A suitable venue must be provided for the meeting which includes separate waiting areas for the two parties and refreshments for all involved.

3 The date and time of the meeting must be agreed with all parties and witnesses and all relevant documentation must be circulated to all parties at least five working days in advance of the meeting.

4 Submission of additional documentation would not normally be allowed outside this timescale or at the appeal meeting, but the decision whether or not to allow this will lie with the panel.

5 The meeting should be minuted.

6 The meeting may be attended by:

- the complainant, with a companion if desired (who cannot also be a witness);
- the Principal and/or Chair of Governors, of the relevant academy
- the members of the Complaints Panel;
- a minute taker (clerk), appointed by the Trustees;
- an adviser to the Panel.

7 Members of staff who have been involved in the issue, or other witnesses, may be called upon by either side to attend part of the meeting to provide information to the panel.

8 Both sides must provide names of any witnesses to be called at least five days in advance of the meeting, and the nature of the evidence which they will be providing. The panel has the discretion not to admit a witness if they do not consider their evidence to be relevant to the complaint.

9 There will be no audio or visual recording of the proceedings by any party but a copy of the minutes of the meeting, once approved, will be shared with all parties.

10 The Trustees will select a Chair from amongst their number.

11 The Chair of the panel will introduce all the parties present and explain the procedure to be followed, and that every effort will be made to keep the process as informal as possible.

12 The complainant (or his/her companion) will outline his/her complaint and explain why s/he is dissatisfied with the school's response to date. The complainant may call any witnesses in support of his/her complaint who will attend the meeting only for the time that they are providing information, and may be questioned by all parties.

13 The Principal and the governors will have the opportunity to ask questions of the complainant.

14 The Principal and/or the Chair of Governors will explain their involvement in the complaint and the reasons for their decisions at the informal and first formal stage. The Principal and/or Chair of Governors may call any witnesses in support of his/her statement who will attend the meeting only for the time that they are providing information, and may be questioned by all parties.

15 The complainant and the panel will have the opportunity to ask questions of the Principal and/or Chair of Governors.

16 Both parties will be given the opportunity to sum up their statements, ending with the complainant. No new material may be introduced at this stage.

17 The panel may decide to adjourn the hearing pending further investigation at any stage, if this seems necessary.

18 Both parties will leave the meeting and the panel will consider the information that has been put to them. The clerk will remain for this part of the meeting in order to clarify anything if necessary, but the panel's deliberations will not be minuted.

19 The panel must reach a unanimous or majority decision as to whether or not to uphold the complaint wholly or in part, and what action (if any) the school needs to take to resolve the complaint. This may include referring the matter to another formal process, whether in relation to a complaint against a governor or a member of the school staff. Normally the panel will reach a decision at this point but they may feel the need to take further advice. Where this is the case they should endeavour to reach a decision as soon as possible.

20 The Chair of the panel will communicate their response to both parties in writing as soon as possible but, in any case, within five working days of reaching their decision. The response should detail whether the complaint is upheld wholly or in part and briefly summarise the basis on which the panel arrived at this conclusion. The response should also include any lessons learnt and specify any action to be taken by the school/Trust as a result of the complaint and within what timescales.

## Appendix B – Formal Complaint form

If your complaint has not been resolved by informal discussion with relevant school staff, please provide the information outlined below in writing to the Principal or Chair of Local Governors who will acknowledge receipt and explain what action will be taken within ten working days of receiving the complaint, or as soon as is reasonably practicable.

Your name:

Pupil's name:

Your relationship to the Pupil:

Your address incl postcode:

Daytime contact number:

Evening Contact number:

Email contact address:

What are the details of your complaint:

What action, if any, have you already taken to try to resolve your complaint:  
(Including who you spoke to and what was the response?)

What actions do you feel might resolve the problem at this stage?

Are you attaching any paperwork? If so please give details:

Your Signature: .....

Date: .....