



# Complaints Procedure

Policy reviewed by Academy Transformation Trust on	Feb 2017
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This policy links to:	Located:
<ul style="list-style-type: none"><li>• Whistle Blowing Policy</li><li>• Child Protection and Safeguarding Policy and Procedure</li></ul>	

Review Date – Feb 2020



## Our Mission

To provide the very best education for all pupils and the highest level of support for our staff to ensure every child leaves our academies with everything they need to reach their full potential.

We promise to do everything we can to give children the very best education that gives them the best opportunity to succeed in life. All of our academies have it in them to be outstanding and achieving this comes down to our commitment to our pupils, staff and academies.

## Our Commitment

We are committed to taking positive action in the light of the Equality Act 2010 with regard to the needs of people with protected characteristics. These are age, disability, pregnancy and maternity, religion and belief, race, sex, sexual orientation, gender reassignment and marriage and civil partnership.

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## 1 Introduction

- 1.1 Academy Transformation Trust (The Trust) aims to deal positively with all complaints, from whatever source. The Trust views complaints as an opportunity to re-examine its systems and services and, through feedback to the complainant, show that it is responsive to their concerns.

## 2 Scope

- 2.1 This policy is for use by parents/carers and community members. Staff should refer to the Whistle Blowing Policy or internal procedures. Reasonable adjustments could be made at any stage if the person making the complaint has any disability (learning, communication or physical) in order to assist the process including representation by other persons if required.
- 2.2 Complaints received under this procedure may be addressed under an alternative policy/procedure e.g. complaints about alleged child abuse will be addressed through the Child Protection and Safeguarding Policy and Procedure.
- 2.3 Our complaints procedure is split into four stages.
- 2.4 Complaints should progress through the stages in order. Where a complaint is received at Stage 2 or 3 and has not been through the process outlined in Stage 1 or 2; the person in receipt of the complaint is responsible for ensuring that resolution is sought at the earlier stage, in the first instance.
- 2.5 In exceptional circumstances, a complaint may enter the process at Stage 2 or 3, but it is at the discretion of the Chair of Governors/Principal/Parent Advocate.
- 2.6 The four stages are:
- **Stage 1 – Informal**
  - **Stage 2 – Formal**
  - **Stage 3 – Appeal**
  - **Stage 4 – Review.**

## 3 Definitions

- 3.1 Receipt of a complaint means the date an e-mail is opened by the recipient for an e-mail complaint or the date a letter is opened. If a response has not been received within the timescales specified in this policy, the complainant should check that their complaint has been received.
- 3.2 Working Days are defined as Monday to Thursday 8:30am – 4:30pm and Friday 8:30am – 3pm on days when the academy is open for pupils.

## 4 Stage 1 – Informal

- 4.1 Many concerns will be dealt with informally. Complaints should be addressed to the person closest to the situation. This will usually be:
- Class Teacher
  - Head of Year/House
  - Vice Principal
  - Principal.
- 4.2 The person who receives a complaint is responsible for ensuring that all details are noted including: date received, complainant's name, contact details for the complainant, and the complaint itself, and for ensuring that the complaint is passed to the appropriate person to address, if not themselves.
- 4.3 Acknowledgement is assumed for verbal complaints. Written complaints should be acknowledged in writing within 5 working days of receipt.
- 4.4 When a complaint is received the complainant should be advised what the next step is and provided with a copy of the complaints procedure
- 4.5 Often complaints being dealt with at the informal stage will be addressed at a meeting; however it may be appropriate to respond in writing, without the need for a meeting.
- 4.6 Meetings to discuss complaints at the informal stage should be with the relevant member of staff and cover:
- The nature of the concern
  - What happened to cause the concern
  - What action the complainant is seeking to address their concern.
- 4.7 Notes should be taken in case the complainant wishes to progress the complaint. The notes should include details of the complaint, the date and time of the meeting and the proposed solution.
- 4.8 Complaints being dealt with at the informal stage should be addressed within 10 working days of receipt of the complaint.
- 4.9 Where it is not possible to respond to a complaint or meet with the complainant within 10 working days, the complainant should be advised why it has not been possible and provided with a revised meeting date or date for responding to their concern.
- 4.10 Where the nature of the complaint is such that it must be addressed under an alternative policy e.g. Disciplinary Procedure, the complainant will be advised in writing that this is the case. They should be sent a copy of the policy which will be used to address the complaint

and informed that there will be no further action taken under this policy. The complainant should be advised when/if to expect any updates on progress.

- 4.11 Where the complaint has not been addressed through a meeting or in writing, further meetings with the relevant or a more senior member of staff should be offered.
- 4.12 If the complainant is not satisfied with the proposed solution and further informal meetings and correspondence to reach a resolution are not possible, or have not been successful, the complainant should write a formal letter of complaint (see Stage 2).

## 5 Stage 2 – Formal

- 5.1 Formal complaints should be submitted in writing to:
  - The Principal or
  - The Chair of Governors if the complaint refers to the Principal or
  - The Governance Department of ATT if the complaint refers to the Chair of Governors
- 5.2 Before proceeding with the formal stage, the Principal (Chair of Governors) (ATT Governance) should ensure that the complainant has sought a resolution at the informal stage. If the complainant has not sought a resolution at the informal stage, then the procedure in Stage 1 should be followed by the Principal (Chair of Governors) (ATT Governance). There are however, occasions where it may be appropriate to skip Stage 1 of this procedure, which is at the discretion of the Principal (Chair of Governors).
- 5.3 On receipt of a formal complaint, the Principal (Chair of Governors) (ATT Governance) should write to the complainant within 5 working days acknowledging receipt and advising them on when they will receive a full response. A copy of the Complaints Procedure should be included with the response. Academy Transformation Trust aims to respond to all formal complaints within 10 working days, however more complex complaints will take longer to investigate and a full response could take anything up to 1 month.
- 5.4 All formal complaints should be investigated. The Principal (Chair of Governors) may delegate the investigation to another member of staff (Governor) that has not been involved at the informal stage of the complaint. Following the investigation a formal report should be written, including a conclusion and recommendations. The conclusion and recommendation may be that the complaint should be addressed under an alternative policy e.g. Disciplinary Procedure.
- 5.5 Following the investigation the Principal (Chair of Governors) (ATT Governance) should then write to the complainant advising them of the conclusion and recommendations. Where action is being taken to address the complaint the complainant should be advised when/if to expect any updates on progress.
- 5.6 If the complainant is not satisfied with the proposed solution and further discussion/correspondence with the Principal (Chair of Governors) (ATT Governance) does not result in a resolution, the complainant should contact the Academy Transformation Trust Parent Advocate (see Stage 3).

## 6 Stage 3 – Appeal

- 6.1 If the complainant is not satisfied with the response to their formal complaint then they should contact the Academy Transformation Trust Parent Advocate or Complaints Department within 10 working days of receipt of the Stage 2 response letter. Contact can be made by phone, e-mail or post
- 6.2 If the complaint is received in writing the Parent Advocate/Complaints Department will respond within 5 days of receipt, to acknowledge the complaint. Notes of phone conversations will be recorded, including the time, date, complainant’s details and what the complaint is about.
- 6.3 The Parent Advocate/Complaints Department will ensure that the procedure has been followed correctly at the informal and formal stage. Where this is not the case, the Parent Advocate/Complaints Department will seek a resolution at an earlier stage in the first instance.
- 6.4 If the procedure at the informal and formal stage has been followed correctly, the Parent Advocate/Complaints Department will establish a Complaints Panel to consider the complaint.
- 6.5 The Parent Advocate/Complaints Department will advise the complainant of the date, time, location and membership of the Complaints Panel at least 5 working days in advance of the Panel meeting.
- 6.6 The Complainant may make representations in person or in writing to the Complaints Panel. They are entitled to be accompanied to the hearing by a friend or representative if they wish.
- 6.7 The Complaints Panel will include at least one person who is independent of the management of the academy (i.e. not a Governor or Academy Transformation Trust employee), and all members of the Complaints Panel must have had no prior involvement in the complaint. The Panel will usually have the following members:
- Two academy Governors
  - A Governor from another Academy Transformation Trust academy.
- 6.8 The Complaints Panel should be convened as soon as possible and will usually take place within 15 days of receipt of a complaint; however it could take anything up to 1 month.
- 6.9 The Complaints Panel meeting will follow the format of the agenda included in appendix 1.
- 6.10 The Complaints Panel meeting will be minuted and a copy of the minutes along with a letter advising the complainant of the outcome of the meeting will be sent to the complainant within 10 working days of the meeting. The decision of the Complaints Panel is final. The letter will include details of where to find the Department for Education’s School Complaints

- 6.11 Form for use by the complainant if they consider that this Complaints Procedure has not been followed correctly.

## **7 Stage 4 - Review**

- 7.1 The Department for Education will consider complaints about academies if they 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.

- 7.2 The Department for Education will not overturn an academy's decision about a complaint. However if it is found that the academy did not deal with a complaint properly the academy will be required to look at the complaint again from the appropriate stage following a procedure in line with current regulations.

## **8 Record-keeping and Data Protection**

- 8.1 A complaints register is held by the academy and The Trust. The register contains details of the complaint, whether the complaint was resolved at Stage 1, 2 or proceeded to a Complaints Panel hearing.
- 8.2 Correspondence, statements and records relating to individual complaints are stored confidentially by the academy, except where the Secretary of State or a body conducting an inspection under section 162A of the Education Act 2002 request access to them.
- 8.3 Minutes of the Complaints Panel hearing detailing the findings and recommendations of the Panel are stored by the academy and are available for inspection by The Trust or the Principal.
- 8.4 Information about complaints will be kept in our electronic data systems, but will be restricted to members of staff dealing with the complaint and our professional advisors.



## 9 Unreasonably Persistent Complaints

9.1 Complaints will be treated as unreasonably persistent if the above procedure has been exhausted and the complainant meets one or more of the below criteria:

- Submits multiple complaints which focus on trivial matters
- Continually changes the substance of a complaint or raises new concerns whilst the original complaint is being addressed
- Is unwilling to accept documented evidence in response to a complaint
- Does not clearly identify the issues which they wish to be investigated
- Threatens or uses physical violence towards staff
- Subjects staff to verbal abuse or harassment.

9.2 Where a complainant meets the above criteria the Chair of Governors should write to the complainant advising them that they have met the criteria for unreasonably persistent complaints, and therefore any further complaints will be acknowledged but not answered. In the case of violence or harassment towards staff, the complainant should also be advised of the consequences should they persist to act in this manner. A copy of the Complaints Procedure should be included with the letter, and a copy of the letter sent to the Parent Advocate.

9.3 Once complainants have been deemed unreasonably persistent, this status will remain under review, with the possibility of its withdrawal at a later date if, for example, complainants subsequently demonstrate a more reasonable approach or if they submit a further new complaint for which the normal complaints procedure would appear appropriate.

## 10 Appendix 1 - Agenda

### Agenda

xxxx Academy

Name of Complainant - Complaints Panel

Date: xxxx

Time: xxxx

Location: xxxx

#### Present:

Name	(xx)	Panel Member 1
Name	(xx)	Panel Member 2
Name	(xx)	Panel Member 3
Name	(xx)	Complainant
Name	(xx)	Complainants Companion
Name	(xx)	Academy Representative

#### Apologies:

Part	Item	Resp
1	Introduction and Meeting Procedure	Chair
2	Complaint: <ul style="list-style-type: none"> <li>• Summary of complaint</li> <li>• Questions to the complainant by the Panel</li> <li>• Representations from the academy representative</li> <li>• Questions to the academy representative</li> <li>• Summing up from the complainant</li> <li>• Summing up from the academy representative</li> <li>• Withdrawal of the academy representative, complainant and any companions</li> <li>• Consideration of the case by the Panel</li> <li>• Return of academy representative, complainant and any companions</li> <li>• Decision of the Panel</li> </ul>	Chair
3	Close	

	Supporting documentation provided with agenda
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