

# Complaints Policy & Procedure

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| Ownership    | Areté Learning Trust           |
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This policy will apply to most general complaints received by an ALT Academy. It is not intended to cover those matters for which there is a specific statutory process:

- Complaints about delivery of the National Curriculum and the provision of religious education and collective worship should be handled under the requirements of Section 409 of the Education Act 1996.
- Separate procedures also exist for appeals about special needs assessments and Academy admissions and exclusions. (See the SEN Code of Practice and Academy Admissions Code of Practice).
- Concerns about allegations of child abuse and staff discipline will be dealt with through the separate agreed procedures that have been adopted for these purposes.
- Guidance on dealing with complaints linked to racism is contained in Appendix B.

The Academy will make parents/carers aware of the existence of this complaints procedure, which will be on the Academy and Areté Learning Trust website.

### GENERAL PRINCIPLES

- It is always desirable for any concern/complaint to be addressed by the member of staff, informally, at a level closest to the cause for the concern.
  - A **concern** is defined as an expression of worry or doubt over which reassurances are sought. A **complaint** is an expression of dissatisfaction, however made, regarding actions taken or a lack thereof.
- The resolution of a concern/complaint provides the potential opportunity for the Academy to improve its practice and further develop a strong partnership with parents/carers.
- The 'Complaints Policy and Procedure' will be easily accessible and well publicised, so that parents/carers know how to raise concerns.
- Procedures should be as speedy as possible, consistent with fairness to all.
- A concern/complaint is distinct from any formal disciplinary procedure. Staff who may be questioned as part of the 'Complaints Policy and Procedure' must be treated fairly and have an opportunity to put their case. They should be offered support in responding to any investigation into a concern/complaint.
- If it becomes apparent to the Headteacher, or LGB Chair that the concern/complaint has the potential to be a disciplinary issue, professional advice will be sought.
- Confidentiality is important in securing the confidence of all concerned. Conversations and correspondence must be treated with discretion. Parents/carers need to feel confident that a concern/complaint will not disadvantage their child. However, the parties to a concern/complaint should realise that some information may have to be shared to carry out a thorough investigation.
- If the investigation of a concern/complaint shows that it is justified, then the Academy will consider how to make amends in an appropriate way.
- Staff and LGB members in Areté Learning Trust academies will be provided with training or briefing to raise their skills in dealing with people who wish to complain.
- All formal complaints will be recorded and monitored to identify issues and ensure any lessons to be learned by the Academy are considered.
- Every complaint should be acknowledged as "genuinely felt" by the complainant.

## **Stage 1 - INITIAL APPROACH**

### **GUIDELINES**

- The vast majority of concerns and complaints can be resolved informally, often straight away by the class teacher, tutor, middle or senior leader.
- The Academy aims to ensure that parents/carers feel able to raise concerns with staff without undue formality, either in person, by telephone, email or in writing. There may be occasions when it is appropriate or helpful for someone to accompany or act on behalf of a parent/carer.
- Parents/carers may not be clear at first that they are making a complaint. They may wish to ask a question or express an opinion. A preliminary discussion with Academy staff will usually clarify the issue and help parents/carers to decide whether they wish to take the matter further.

### **PROCEDURE**

1. Parents/carers should have an opportunity for informal discussion of their concerns with an appropriate member of staff. This discussion should aim to clarify the nature of the parent's/carer's concern and assure them that the Academy wishes to hear about it. The discussion should also aim to clarify what kind of outcome the parent/carer is seeking.
2. If the member of staff first contacted cannot deal with the matter immediately, s/he should make a firm arrangement to deal with it at a future date or refer the matter to his/her line manager, the Headteacher or another appropriate member of staff. In either case a note of the name, date and contact details of the complainant should be taken. The first contact should check to make sure the referral has been successful.
3. Staff should seek advice from their line manager if they are unsure of how to deal with the matter raised. Any matter that could potentially result in the following should be referred immediately to the Headteacher: legal or insurance claim, action under the staff disciplinary procedures, child protection issues, complaints relating to employment practice.
4. If the concern relates to the Headteacher and the parent/carer feels unable to raise it with the Headteacher he/she should contact the LGB Chair.
5. The staff member/Headteacher dealing with the complaint should make sure that the complainant is clear about what will happen next (if anything). This should be put in writing if there is any doubt about the next steps or outcome being clear.
6. If no satisfactory solution has been found, complainants should be informed about how they should proceed if they wish to take their complaint further. They should also be informed of any advice and support that may be available to them.

## **Stage 2 - FORMAL COMPLAINT TO HEADTEACHER (or to LGB Chair if complaint is about the Headteacher)**

### **GUIDELINES**

- The Headteacher, or deputy in his/her absence, needs to determine who has responsibility for responding to a formal complaint, including the decision about his/her own involvement at various stages.
- If the complainant is dissatisfied with the action of the Headteacher, or the Headteacher has been very closely involved informally, the LGB Chair should carry out all the Stage 2 procedures, with support if necessary from another governor, and with professional advice if necessary. Advice is also available from the Education and Skills Funding Agency (ESFA).
- Other members of the LGB should not become involved at this stage to avoid prejudicing their possible future involvement.

## **PROCEDURE**

1. Parents/carers who wish to pursue a formal complaint at Stage 2 should be asked to put the complaint and their desired outcome in writing to the Headteacher.
2. The Headteacher (or designated member of staff) should acknowledge the complaint orally or in writing within 3 working days of receipt giving a brief explanation of the complaints procedures and a target date for providing a response. Ideally, this should be within 10 working days. If it is not possible to deal with the matter in this time, the complainant should be informed of when it is likely to be concluded.
3. The Headteacher (or a designated member of staff) may offer an opportunity for the complainant to meet him/her. The complainant should, if she/he wishes, be allowed to be accompanied by a friend or relative who can speak on his/her behalf. Interpreting facilities should be made available if required.
4. If necessary, the Headteacher (or a designated member of staff) should interview any witnesses and take statements from those involved. If the complaint concerns a student, the student should also be interviewed. It may be appropriate for a parent/carer to be present or a senior member of staff with whom the student feels comfortable should attend with him/her.
5. If a member of staff is complained against, the needs of that person should be borne in mind.
6. Advice may need to be sought from professionals or from the ESFA.
7. The Headteacher (or designated member of staff) should keep written records of meetings, telephone conversations and other documentation.
8. Once all the relevant facts have been established, the Headteacher (or designated member of staff) should either write to the complainant or arrange a meeting to discuss or resolve the matter. This meeting should be followed up with a letter summarising the outcome of the meeting.
9. The complainant should be advised in this letter that if they remain unhappy with the outcome, she/he may appeal to a panel of governors. The complainant should notify the LGB Chair within 2 weeks of receiving the letter detailing the concerns about the outcome of the complaint should he/she wish to appeal.

## **Stage 3 - APPEAL TO PANEL OF GOVERNORS**

### **GUIDELINES**

- Complaints only rarely reach the appeal stage. At this stage, the LGB Chair may wish to seek advice from the trust's H.R. advisors.
- The aim of the appeal to an LGB panel is to resolve the complaint and achieve reconciliation between the Academy and the complainant. However, it may only be possible to establish the facts of a situation and make recommendations about future action, and to satisfy the complainant that their complaint has been taken seriously.
- It is important, should a complaint reach the appeal stage that the LGB is impartial and independent and is seen to be so. Individual complaints should not be considered by the full LGB.
- The LGB will, therefore, establish a panel to deal with complaints by nominating a pool of governors from which up to three can be drawn for any hearing. The panel must also include an independent member not involved with the management or running of the Academy. Panel members should have had no prior involvement with the complaint. Generally, the LGB Chair is not on the panel as s/he may be involved at the earlier stage.
- LGBs should have regard to the advantages of having a mix of people on the panel and be sensitive to issues of equal opportunity in the composition of the panel.

- Individual LGB members must not get involved in looking into complaints before this stage to avoid prejudicing their potential involvement. If individual LGB members are approached by parents/carers or others with complaints, they should refer the complainant to the Academy Headteacher and explain that if this does not lead to a resolution, they should ask for a copy of the complaints procedure, making the necessary introduction to the Headteacher.
- Complaints that reach the appeal stage will do so because the complainant is not satisfied with the response so far. In this situation it is helpful for the LGB to view any complaint as being against the Academy rather than an individual staff member whose actions may have led to the original complaint.
- Complainants that are not satisfied with the way in which their complaint has been handled by the Academy will be made aware of the ESFA's complaints system which can be found at the following: <https://www.gov.uk/government/organisations/education-and-skills-funding-agency/about/complaints-procedure>

## **PROCEDURE**

Upon receipt of a written request from the complainant for the complaint to proceed to Stage 3, the following procedure should be followed:

1. A suitable clerk to the panel should be appointed.
2. The clerk should write acknowledging receipt of the written request, informing the complainant that a committee of the LGB will hear it within 15 working days of receipt.
3. The clerk should convene a meeting of the complaints committee at a time that is convenient for the complainant and the Academy. The clerk should ensure that the complainant, Headteacher and any other witnesses are given at least 7 working days' notice in writing of the date, time and place of the hearing or otherwise are in full agreement of a shorter timescale.
4. The letter of notification to the complainant should also inform him/her of his/her right to be accompanied by a friend/relative who can act as an advocate. The chair should ensure that interpretation facilities for the hearing are offered and made available if required. The letter should set out the procedure for the conduct of the hearing (See Appendix A) and the complainant's right to submit further written evidence to the committee.
5. The clerk should invite the Headteacher to attend the hearing and to submit a written report for the committee in response to the complaint. The Headteacher may also invite the LGB Chair or any other members of staff directly involved in matters raised by the complainant to respond in writing and/or in person to the complaint. Any involvement of other staff should be at the discretion of the chair of the committee.
6. All relevant documents should be received by all parties, (including the complainant) at least 5 days before the meeting of the panel. This provides adequate opportunity to read them prior to the start of the meeting.
7. An officer from the ESFA and/or a professional advisor may be invited to attend the meeting to advise the committee.
8. The panel should elect a chairperson who should ensure that proper minutes of the meeting are taken.
9. The chair of the panel should try to ensure that the proceedings are sufficiently informal as possible and that the complainant and other participants feel at ease.
10. At the conclusion of the representations and questions, the chair should explain that the panel will consider the issues and write to both parties.

11. All those in attendance, except for the governors' panel and any of their advisers, should then withdraw and the panel should consider the evidence. This should include: a judgement about the validity of the complaint; appropriate action to be taken by the Academy and/or the complainant; and where appropriate, recommendations on changes to the Academy's systems or procedures to ensure similar problems do not arise in the future.
12. Within seven working days of the panel reaching a decision, its findings and recommendations should be provided, in writing, to the complainant and, where relevant, the person complained about.
13. The Academy should ensure that copies of all correspondence and written records, including details of how they are resolved and any actions taken by the academy, are kept confidentially on file in the Academy. This should be separate from students' personal records and staff personnel files. The outcomes must be made available for inspection by the Headteacher and CEO.
14. The broad outcomes recommended by the panel should be reported to the next full LGB with the identity of all those taking part kept confidential. Records relating to individual complaints are to be kept as confidential except under exceptional circumstances including Secretary of State request.
15. The LGB should monitor implementation of the recommendations.

#### **SERIAL AND PERSISTENT COMPLAINANTS**

See Appendix C

#### **THE ROLE OF THE EDUCATION and SKILLS FUNDING AGENCY (ESFA)**

The primary responsibility for resolving complaints rests with the LGB. (1998 Education Act, Part II, Chapter 3. Para. 39[1])

The ESFA role in Academy complaints is to provide advice to all parties.

When the ESFA receives a general complaint which does not come under one of the areas covered by statutory requirements, nor is obviously concerned with child abuse or staff disciplinary matters the complainant will be referred to the Academy's complaints procedure. The complainant will be advised to contact the Headteacher to take the matter further. If the complaint has already involved the Headteacher but has not achieved a satisfactory resolution from the perspective of the complainant, the ESFA officer may seek to resolve issues between the Headteacher and the complainant. If this is not possible or successful the complainant will be referred to the LGB Chair. In this situation the Headteacher will be notified of the referral and details of the complaint.

The ESFA staff will give advice to the Headteacher, governors and parents/carers on the use of complaints procedures. For serious or complex complaints this will be through a Senior Education Officer.

Where possible the ESFA will provide advice and appropriate support to complaints panels of LGB's, including attendance of an officer at meetings to hear complaints.

## **APPENDIX A**

### **Model Procedure for the Conduct of a Stage 3 Governors' Panel Hearing**

1. The chair of the committee should invite all parties (except any witnesses) into the room, introduce them and explain the role of each person.
2. The chair should explain to all present that the purpose of the hearing is to review the complaint and try to resolve it and achieve reconciliation between the Academy and the complainant. However, it may only be possible to establish the facts of a situation and make recommendations about future action.
3. The chair should then ascertain whether the proposed procedure is acceptable. If so, the meeting will proceed along the following lines:
  - i. The complainant describes her/his complaint and may call witnesses.
  - ii. The Headteacher may seek clarification from the complainant and any witnesses.
  - iii. The governors' panel or its advisers may seek clarification from the complainant and any witnesses.
  - iv. The Headteacher will respond to the complaint and may call witnesses.
  - v. The complainant may seek clarification from the Headteacher and any witnesses.
  - vi. The governors' panel (including any advisers) may seek clarification from the Headteacher and any witnesses.
  - vii. The Headteacher will be given the opportunity to sum up.
  - viii. The complainant will be given the opportunity to sum up.
  - ix. Both parties will leave the room to allow the panel to deliberate but any advisers may remain to offer technical and procedural advice.
4. The panel should make a decision or judgement on:- the validity of the complaint; appropriate action to be taken by the Academy and/or complainant; where appropriate, recommendations on changes to the Academy's systems or procedures to ensure similar problems do not arise in the future.
5. The decision or judgement will be confirmed in writing within 7 working days.

*NB - If there is more than one complainant this procedure should be followed for each one in turn, unless the complainants agree to the complaint being dealt with in the same process.*

## **APPENDIX B**

### **Dealing with Complaints about Racism in Schools**

#### **Racist Behaviour to a Child or Student**

The procedures to be followed are stipulated in the guidance on reporting bullying as identified by the nine characteristics of the Equality Act 2010.

#### **Racist Incident Alleged Against Academy Staff**

1. The report/complaint should be made to the Headteacher, or if the Headteacher is the subject of the report/complaint, to the LGB Chair;
2. As racism is a disciplinary offence, the normal disciplinary procedures are followed.

#### **Institutional Racism**

Parents/carers who perceive that racist practice or policies are operated by the Academy should pursue these through the General Complaints Procedure.



## **APPENDIX C**

### **SERIAL AND PERSISTENT COMPLAINANTS**

Every effort will be made by the Academy to help those contacting the school with a complaint, concern or information request. However, where an academy is contacted repeatedly by any individual concerning the same complaint or concern, despite action being taken or completed, the academy must act appropriately to ensure time is not wasted.

It is a poor use of time to reply to repeated letters, emails or phone calls making the same point. If a complainant tries to re-open an issue, the LGB Chair should inform him/her that the procedure has been completed and the matter is now closed.

If, following the chair's warning, the complainant persists, the Academy may choose not to respond but should be careful when marking a complaint as 'serial'.

It is important to remember that it is the subject of the complaint that should be marked as 'serial', not the complainant. If the complainant brings a new complaint or concern to the Academy, communication should resume.