



The Exceed Academies Trust

# Complaints Policy

Approved by the Trust Board on: 26 May 2018

To be reviewed on: As necessary

Signed on behalf of the Trust Board: *T V Grams*

NB. This guidance will be retained for a period of 7 years from replacement.



## 1. INTRODUCTION

The Exceed Academies Trust recognises that at times things can and do go wrong. The Trustees, Head Teachers, staff and members of the Local Governing Bodies (LGB), believe that it is in everyone's best interest to resolve concerns and complaints at the earliest possible stage.

This policy seeks to outline how complaints can be resolved. This policy is intended to cover all complaints against the Trust or school within the Trust.

This policy meets the requirements of the Education (Independent School Standards (England) Regulations 2010) Schedule 1, Part 7.

## 2. KEY STAGES OF COMPLAINTS

There are THREE key stages of this Complaints Policy:

**Stage One - An Informal discussion**

**Stage Two - Complaint heard by Senior Member of Staff**

**Stage Three – Complaint heard by a Complaint Appeals Panel**

## 3. OVERARCHING PRINCIPLES

The Exceed Academies Trust Complaints Policy will:

- Encourage resolution of problems by informal means wherever possible
- Be easily accessible and publicised
- Be simple to understand and use
- Be impartial
- Allow swift handling with established time-limits for action and keeping people informed of the progress
- Ensure a full and fair investigation by independent people, where necessary;
- Respect people's desire for confidentiality
- Provide information to the leadership teams of the schools so that services can be improved.

## 4. INVESTGATING THE COMPLAINT

At each stage, the person dealing with 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 of, allowing them to be accompanied if they wish;
- Conduct the interview with an open mind;

## **5. RESOLVING COMPLAINTS**

At each stage, the person dealing with the complaint should consider ways to resolve the 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 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 school / Trust policies in light of the complaint.

## **6. MONITORING COMPLAINTS**

The Board of Trustees will monitor the level and nature of formal complaints across the Trust and all Trust schools and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. Procedures for reporting will not name individuals.

## **7. STAGE ONE - AN INFORMAL DISCUSSION**

It is the experience of the Exceed Academies Trust that the vast majority of concerns and complaints can be resolved informally to the full satisfaction of those who raise them. There are many occasions where concerns can be resolved quickly, providing the complainant with the benefit of an immediate response, and avoiding the need to submit a formal complaint. Concerns may be raised with any member of the Trust staff, depending on the type of issue to be discussed.

The school/Trust will acknowledge informal complaints within 5 school days, and investigate and provide a response within 10 school days.

If the complainant is dissatisfied with the discussion, they should refer to Stage Two (Section 8, below).

Where the informal complaint is made to a Local Governor or Trustee, the Local Governor or Trustee must be to refer the complainant to the appropriate member of Trust staff and advise them about the procedure.

Governors / Trustees must not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

## **8. STAGE TWO – COMPLAINT HEARD BY SENIOR MEMBER OF STAFF**

If the complainant is dissatisfied with the outcome of Stage One of this policy and would like the complaint to be investigated further, the complainant must put their complaint in writing. A written record will be kept by the school/Trust of all complaints reaching Stage Two, including the outcome of this stage, whether the complaint was resolved or proceeded to Stage Three (complaints panel) and action taken by the school/Trust, regardless of whether the complaint was upheld.

### **8a. COMPLAINT RELATING TO A SCHOOL IN THE EXCEED ACADEMIES TRUST**

The written complaint must then be handed to the school office.

Following receipt of the written complaint, Head Teacher will nominate a senior member of school staff to be the investigating officer.

The investigating officer will acknowledge the complaint in writing within 5 working days.

The investigating officer will speak to the necessary individuals; interview witnesses and/or take statements from those involved. This could take up to 10 working days. If the complaint centres on a pupil/student, the pupil/student may also be interviewed. If the concern is about a pupil/student's behaviour, parents may not be invited to attend however parents will be asked to attend to discuss any other concerns.

Written records of meetings, telephone conversations and other documentation will be kept.

Once the facts have been established the Headteacher or other suitable Senior Leader will arrange to meet the complainant to discuss the outcome of the investigation. This meeting will be held within 20 working days from the date the formal written complaint was received. The complainant may be accompanied at the meeting by a friend, relative or representative. The complainant should inform the school of the identity of their companion in advance.

In certain circumstances, the school may need to refuse a request for a particular individual to attend any such meeting – for example, if there is a conflict of interest. If this is the case, the school will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative accompaniment.

A letter outlining the outcomes of the investigation will be sent to the complainant within 5 working days of the meeting. The letter will include details of how to escalate the complaint to Stage Three if the complainant remains dissatisfied with the outcome at Stage Two.

If the complaint is against the Headteacher, Stage Two will be carried out by the Local Chair of Governors.

If the complaint is against a Local Governor, Stage Two will be carried out by the Local Chair of Governors from another school within our Trust.



## **8b. COMPLAINT RELATING TO THE EXCEED ACADEMIES TRUST**

The written complaint must be handed to the Exceed Academies Trust Head Office at Horton Park Primary School.

Following receipt of the written complaint, the CEO will nominate a senior member of Trust staff to be the investigating officer.

The investigating officer will acknowledge the complaint in writing within 5 working days.

The investigating officer will speak to the necessary individuals; interview witnesses and/or take statements from those involved. This could take up to 10 working days.

Written records of meetings, telephone conversations and other documentation will be kept.

Once the facts have been established the CEO will arrange to meet the complainant to discuss the outcome of the investigation. This meeting will be held within 20 working days from the date the formal written complaint was received. The complainant may be accompanied at the meeting by a friend, relative or representative. The complainant should inform the Trust of the identity of their companion in advance.

In certain circumstances, the Trust may need to refuse a request for a particular individual to attend any such meeting – for example, if there is a conflict of interest. If this is the case, the school will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative accompaniment.

A letter outlining the outcomes of the investigation will be sent to the complainant within 5 working days of the meeting. The letter will include details of how to escalate the complaint to Stage Three if the complainant remains dissatisfied with the outcome at Stage Two.

If the complaint is against a CEO, Stage Two will be carried out by the Chair of the Board of Trustees.

If the complaint is against a Trustee, Stage two will be carried out the CEO.

## **9. STAGE THREE – COMPLAINTS APPEAL PANEL**

Complaints only rarely reach this formal level, where the complainant is not satisfied by the responses / outcomes at Stages One and Two.

It is important that any complaint hearing is independent and impartial and, that it is seen to be so. The Trust will ensure that all members of the panel have had no prior involvement in the complaint.

If the complaint is about a school within the Trust, the Trust will also ensure that at least one member of the panel will be independent of the management and running of the school involved.

The aim of a panel hearing is to resolve the complaint and achieve reconciliation between the Trust/school and the complainant.



Anyone wishing to escalate a complaint to this stage must write to the Clerk to the Board of Trustees at the Exceed Academies Trust Head Office address at Horton Park Primary School. The letter must explain why the complainant is dissatisfied with the outcome at Stage Two. This needs to be within 25 working days of receiving the outcome letter.

The Clerk will set up a hearing within 10 working days of receiving the letter and inform the complainant of this, in writing. All parties will be given at least 5 working days' notice of a hearing.

It is important that any complaint hearing is independent and impartial and, that it is seen to be so. The panel will be appointed by or on behalf of the Trust/school and must consist of at least 3 people who were not directly involved in the matters detailed in the complaint. At least 1 panel member must be independent of the management and running of the school/Trust. The panel cannot be made up solely of governing body members, or Trustees in the case of a complaint against the Trust, as they are not independent of the management and running of the school/Trust.

The complainant may be accompanied to the hearing by a friend, relative or representative, if they so wish.

At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called, as appropriate, to present their evidence.

The panel, the complainant and the school representative(s) will be given the chance to ask and reply to questions. Once the complainant and school representative(s) have presented their cases, they will be asked to leave and evidence will then be considered.

The panel must then put together its findings and recommendations from the case. The panel will also provide a copy of the findings and recommendations to the complainant and, where relevant, the individual who is the subject of the complaint, and make a copy available for inspection by the Trust and Headteacher.

The hearing will allow for:

- The complainant to explain their complaint.
- For the CEO/ Headteacher or other person involved in handling the complaint at Stage Two, to explain the school's response.
- The complainant and the CEO/Principal/ Head or other person involved in handling the complaint at Stage Two to question each other.
- For members of the hearing panel to also ask questions.
- Any party to have the right to call witnesses (subject to the approval of the Chair of the panel) and all parties having the right to question all the witnesses.
- Final statements by both the complainant and the CEO/Principal/ Head Teacher or other person involved in handling the complaint at Stage Two.

Following the hearing the complaint panel will consider the complaint and will send their written decision to both parties within 15 working days.

## **10. CLOSURE OF COMPLAINTS**

Very occasionally, the school and/or Trust may feel that it needs, regrettably, to close a complaint where the complainant is still dissatisfied.

- The Exceed Academies Trust will do all we can to help to resolve a complaint but sometimes it is simply not possible to meet all of the complainant's wishes. Sometimes it is simply a case of "agreeing to disagree".
- If a complainant persists in making representations regarding the complaint – to the head teacher, designated governor, chair of governors or anyone else within the Trust, it can be extremely time-consuming and can detract from our responsibility to look after the interests of all the children in our care.
- For this reason, we are entitled to close correspondence (including personal approaches, as well as letters and telephone calls) on a complaint where we feel that we have taken all reasonable action to resolve the complaint and the complaint has exhausted our official process. The Exceed Academies Trust Board of Trustees fully support this position, and especially where the complainant's action is causing distress to staff and/or pupils.

## **11. CONTINUED DISSATISFACTION WITH OUTCOME**

If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the ESFA. The ESFA will check whether the complaint has been dealt with properly by the school/Trust. The ESFA will not overturn a school/Trust's decision about a complaint. However, it will look into:

- Whether there was undue delay, or the school/Trust did not comply with its own complaints procedure
- Whether the school/Trust was in breach of its funding agreement with the secretary of state
- Whether the school/Trust has failed to comply with any other legal obligation

If the school/Trust did not deal with the complaint properly, it will be asked to re-investigate the complaint. If the school/Trust's complaints procedure is found to not meet regulations, the school will be asked to correct its procedure accordingly.

## **12. RECORD KEEPING AND INFORMATION SHARING**

The school/Trust will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, the final outcome and action taken by the school as a result of the complaint (regardless of whether the complaint was upheld). The records will also include copies of letters and emails, and notes relating to meetings and phone calls. This material will be treated as confidential and stored securely. It will be only viewed only by those involved in investigating the complaint or on the appeal panel.

This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or under the terms of Data Protection legislation, or where the material must be made available during a school inspection.

Records of complaints will be kept for a minimum of 6 years.



### **13. EQUALITY IMPACT STATEMENT**

We will do all we can to ensure that this policy does not discriminate, directly or indirectly. We shall do this through regular monitoring and evaluation of our policies. On review we shall assess and consult relevant stakeholders on the likely impact of our policies on the promotion of all aspects of equality, as laid down in the Equality Act (2010). This will include, but not necessarily be limited to: race; gender; sexual orientation; disability; ethnicity; religion; cultural beliefs and pregnancy/maternity.