



# Complaints Procedures

December 2016

<b>Policy Document Control Sheet:</b>		
<b>Trust lead:</b> Ian Hickman		
<b>Key Staff lead for Red House Academy:</b> Dr Therese Quincey		
<b>Portfolio Governor lead:</b> Paul Callaghan		
<b>Status:</b> live working document		
<b>Date</b>	<b>Process</b>	<b>Category</b>
July – Aug 2016	<b>Consultation period</b>	
25 <sup>th</sup> November 2016	<b>Approved by Stakeholders</b>	
14 <sup>th</sup> December 2016	<b>Approved by NET Trust Board</b>	
Insert date	<b>Adopted by LGB</b>	
December 2018	<b>Next review date</b>	Discretionary: NET

<b>1.</b>	<b>Introduction</b>	<b>3</b>
<b>2.</b>	<b>Overview</b>	<b>4</b>
2.1	Dealing with Complaints: Informal Procedures	4
2.2	Dealing with Complaints: Formal Procedures	4
<b>3.</b>	<b>General Principles</b>	<b>4</b>
3.1	Aims	4
3.2	Investigating Complaints	5
3.3	Resolving Complaints	5
3.4	General Points	6
3.5	Habitual and Vexatious Complaints	6
3.6	Managing and Recording Complaints	6
3.7	Board Member Review	7
<b>4.</b>	<b>Complaints Procedure (Academies)</b>	<b>7</b>
4.1	<u>Stage 1</u> : Informal Stage: Complaint Heard by a Member of Staff	7
4.2	<u>Stage 2</u> : Formal stage: Complaint Heard by Principal	7
4.3	Complaints Relating to the Actions of the Principal	8
4.4	<u>Stage 3</u> : Complaint Heard by a Local Governing Body	9
4.5	<u>Stage 4</u> : Complaint Heard by Chief Executive	10
4.6	<u>Stage 5</u> : Complaint Heard by a Complaint's Committee	11
<b>5</b>	<b>Complaints Procedure (Central Trust)</b>	<b>11</b>
5.1	<u>Stage 1</u> : Informal Stage: Complaint Heard by a Member of Staff	11
5.2	<u>Stage 2</u> : Formal stage: Complaint Heard by Chief Executive	12
5.3	Complaints Relating to the Actions of the Chief Executive	13
5.4	<u>Stage 3</u> : Review: Complaint Heard by Trust Board's Complaint's Committee	14
<b>6.</b>	<b>Making a Complaint to the Department for Education</b>	<b>14</b>
<b>7.</b>	<b><u>Appendices</u></b>	
	Appendix A: Complaint Form	16
	Appendix B: Procedure for the Complaints Committee	18
	Appendix C: Roles and responsibilities	19
	Appendix D: Summary of Dealing with Complaints	20

# Complaints Procedures

## 1. Introduction

This document is set out in three distinct parts, firstly those matters which apply equally across the whole Trust (section 1 to 3), secondly those procedures which apply to complaints arising out of the activities of an individual Academy (section 4), and thirdly complaints arising out of the activities of the Trust's Central Team or apply across a number of academies (section 5).

These procedures are for use for complaints made by a pupil, parent or carer or a member of the public against an individual Academy or the Central Trust. There are separate arrangements, laid down by law to cover the following:

- Complaints against the curriculum, collective worship and religious education.
- Appeals against admissions.
- Appeals against exclusions.
- Appeals about assessments and statements of special educational needs.
- Child protection allegations.
- Abuse towards staff involving children

Alternative procedures also apply in respect of Whistleblowing and staff related management issues.

For further guidance on any of the above please contact the Principal of the Academy concerned or the Chief Executive of the Trust.

## Definitions

Academy	means any of the educational establishments sponsored by the Trust.
Board Member	means a Member of the Northern Education Trust Board (or Trustee) or an Academy Governor
Call-in	means the mechanism whereby the Chief Executive may intervene when s/he feels a matter requires their direct intervention
Chief Executive	means the Chief Executive of the Northern Education Trust
Investigating Officer	means a person appointed by a Principal or the Chief Executive to conduct an investigation under these procedures
Local Governing Body	means a Local Governing Board, or any other local body appointed by the Trust to perform that role or similar
Member of Staff	means anyone employed by the Trust whether based in the central team or within an Academy
Principal	means Executive Principal or Academy Principal. The Executive Principal or Principal is the local accounting officer for that academy.

Reviewing Officer	means a person appointed by the Chief Executive to conduct a review under Section 4.5 of these procedures
Trust	means the Northern Education Trust

## 2. Overview

### 2.1 Dealing with Complaints: Informal Procedures

All parties must be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints. The complainant should initially raise any concern directly with the member of staff most directly involved and if not satisfied discuss concerns with a more senior member of staff.

Concerns which are defined as something that is of interest or something that affects you directly but which may not be significant, ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally which will ensure the issue is dealt with as speedily as possible.

#### Our Values

The Northern Education Trust and its academies share a set of **Guiding Principles** and commitments which include the **One Academy Rule**.

#### Guiding Principles

The Welfare of others is the first concern of all.

The education of every child is held to be of equal value in our community academies.

#### The One Academy Rule

All pupils, students and adults are expected to behave in a responsible manner, both to themselves and others, showing consideration, courtesy and respect at all times.

### 2.2 Dealing with Complaints: Formal Procedures

Formal procedures will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further. **Such complaints should be made in writing to the Principal or Chief Executive** by completing the attached form at **Appendix A**.

Please note a Principal or the Chief Executive may refer your complaint to a member of the Academy or Trust Leadership Team if, in their opinion, the matter would be best dealt with by that individual.

## 3. General Principles

### 3.1 Aims

The Complaints Procedure aims to:

- encourage resolution of problems by informal means wherever possible;
- be easily accessible and publicised;

- be simple to understand and use;
- be impartial;
- be non-adversarial;
- allow swift handling with established time-limits for action and keeping people informed of the progress;
- ensure a full and fair investigation by an independent person where necessary;
- respect people's desire for confidentiality;
- address all the points at issue and provide an effective response and appropriate redress, where necessary;
- provide information to the Academy or Trust leadership teams so that services can be improved.
- To complement but not duplicate staff performance management and disciplinary procedures

### **3.2 Investigating Complaints**

At each stage, the person investigating the complaint, should ensure that they:

- establish and record what has happened so far, and who has been involved;
- clarify the nature of the complaint, through a written statement, and what remains unresolved;
- meet with the complainant or contact them (if unsure or further information is necessary);
- clarify what the complainant feels would resolve the issue;
- interview those involved in the matter and/or those complained of, with a colleague present or parent/carer in the case of a student.
- conduct the interview with an open mind and be prepared to persist in the questioning;
- keep notes of all discussions and interviews, indicating whether they were resolved at preliminary stage or whether they proceeded to panel hearing;
- Secure any available evidence including taking screen shots of any social media web pages.

**NB** – All documents will be kept securely in accordance with Data Protection principles.

### **3.3 Resolving Complaints**

At each stage in the procedure the person investigating the complaint 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;
- as far as practicable 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 our policies in light of the complaint.

- in certain justifiable circumstance to take reasonable action to rectify and/or recompense the individual affected.

Complainants should be encouraged to state what actions they feel might resolve the problem at any stage. An admission that the Academy 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.

### **3.4 General Points**

An anonymous complaint will not normally be investigated unless there are exceptional circumstances or the complaint is sufficiently serious to warrant investigation.

To allow for a proper investigation, complaints should be brought to our attention in writing as soon as possible. Any matter raised more than 3 months after the event being complained of will not be considered, save in exceptional circumstances.

Investigation of any complaint or review request will begin within 5 working days of receipt of the same, save in exceptional circumstances ie where it is necessary to appoint an external independent person. The investigation will be completed as soon as reasonably practicable.

### **3.5 Habitual and Vexatious Complaints**

There will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. It should be noted that the decision of the Trust is final; and any vexatious complaints will not be investigated further, unless new evidence has come to light.

The term complaint in this policy includes requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998.

For the purpose of this policy the following definition of habitual or vexatious complainants will be used:

The repeated and/or obsessive pursuit of:

- (i) unreasonable complaints and/or expectation of unrealistic outcomes; and/or
- (ii) reasonable complaints in an unreasonable manner.

This policy is intended to assist in identifying and managing persons who seek to be disruptive to an individual Academy or the Trust through pursuing an unreasonable course of conduct.

### **3.6 Managing and Recording Complaints**

An initial complaint may be made in person, by telephone, or in writing. Depending on the nature and/or seriousness of the complaint it may be appropriate to ask for the complaint to be put in writing as soon as possible. If the complainant wishes to invoke the formal stage of the complaints procedure, they must complete the form at **Appendix A**. At the end of a meeting or telephone call, the member of staff should seek to ensure that the complainant and the Academy or Trust have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls should be kept and a copy of any written response added to the record.

For the Trust the Operations Manager is responsible for the records and to hold them centrally. Within each Academy this responsibility falls to the Office Manager or other appropriate person in the academy. The complaints, the stages used and the resolution should be recorded so that any obvious patterns can be dealt with appropriately.

All correspondence, and statements and records of complaint must be kept confidential but must be available to be shown to HMI Ofsted and auditors when they inspect or audit.

### **3.7 Board Member Review**

The Local Governing Body of an Academy or the Trust Board (through its Corporate Coordination Group) will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and recommend changes where necessary by reporting any issues to the Academy or the Trust.

Preferably, complaints information shared with Board Members will not name individuals.

The process of listening to and resolving complaints will contribute to improvement. When individual complaints are heard, underlying issues that need to be addressed may arise. The monitoring and review of complaints by those responsible for the strategic oversight of the organisation can be a useful tool in evaluating the climate in the organisation and overall performance.

## **4 Complaints Procedure – Academies**

**It should be noted that this procedure only applies to those complaints arising out of the activities within an individual academy. If your complaint relates to the activities of the Central Trust or applies across a number of academies then please refer to the procedures set out in Section 5 below.**

### **4.1 Stage 1. Informal Stage: Complaint Heard by a Member of Staff**

The complainant is normally expected to arrange to communicate directly with the member of staff concerned. This may be by letter, by telephone or in person by appointment. Many concerns can be resolved by simple clarification or the provision of information and it is anticipated that most complaints will be resolved by this informal stage. In the case of serious concerns it may be appropriate to address them directly to the Principal.

An unreasonable refusal to attempt an informal resolution may result in the procedure being terminated forthwith. Any dispute in relation to the “reasonableness” may be determined through the review process but will not include the member of staff who is the subject of the complaint.

### **4.2 Stage 2. Formal Stage: Complaint Heard by Principal**

If the complaint is not resolved at the informal stage the complainant must put the complaint in writing, using the Form at **Appendix A**, and pass it to the Principal, who will nominate a member of staff from within the Trust, the Investigating Officer, who is not connected to the complaint to carry out an investigation.

The complainant should include details that might assist the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents. The Investigating Officer should normally meet with the complainant to discuss his / her concerns within ten working days of receiving the complaint.

The Investigating Officer will collect such other evidence as s/he deems necessary.

The investigation will begin as soon as possible and when it has been concluded, the complainant, and the member of staff concerned, will be informed in writing, within ten working days of receiving the complaint, of the outcome. This may be to the effect that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld
- The concern is not substantiated by the evidence
- The concern was substantiated in part or in full. Some details may then be given of action the Academy may be taking to review procedures etc... but details of the investigation or of any resulting staff disciplinary procedures will not be released
- The matter has been fully investigated and that appropriate procedures are being followed, which are strictly confidential. [e.g. where staff disciplinary procedures are being followed]

The complainant will be advised in writing that consideration of their complaint by the Investigating Officer is now concluded.

If the complainant is not satisfied with the manner in which the process has been followed, the complainant may request that the Principal review the process followed by the Investigating Officer in handling the complaint. Any such request must be made in writing within 10 working days of receiving notice of the initial outcome from the Investigating Officer, and include a statement specifying any perceived failures to follow the procedure. The procedure described in Stage 3 will then be followed.

If the complainant considers that the Principal has acted unreasonably in considering the complaint, then the complainant may bring a complaint against the Principal – see Section 4.3 below.

### **4.3 Complaints Relating to the Actions of the Principal**

**It should be noted that this procedure only applies when there is a perceived failure in the process which has been followed and does not apply when the complainant is dissatisfied with the outcome. In such cases the complainant should escalate their complaint to the Local Governing Body in accordance with Section 4.4**

#### **4.3.1 Informal Stage**

The complainant is usually expected to arrange to speak directly with the Principal. In the case of serious concerns it may be appropriate to raise them directly with the Chair of the Local Governing Body. Many concerns can be resolved by simple clarification or the provision of information. If the matter is not resolved, if both parties agree, then a third party may be invited to act as a mediator at a further meeting. A refusal, unreasonably, to attempt an informal resolution may result in the procedure being terminated forthwith.



### 4.3.2 Formal Stage

If the complaint is not resolved at the informal stage the complainant must put the complaint in writing and pass it to the Chair of the Local Governing Body who will determine which of the agreed procedures to invoke. If it is determined that the complaint is relevant to this complaints procedure, the Chair will arrange for its investigation by a nominated Board Member or an independent person.

The complainant should include details which might assist the investigation, such as names of potential witnesses, dates and times of events, copies of relevant documents etc. In addition the complainant will be invited to meet with the nominated Board Member to present oral evidence or to clarify the complaint. The nominated Board Member will collect such other evidence as is deemed necessary. This may include the interviewing of witnesses and others who may provide relevant information.

The Principal will be provided with a copy of the complaint and any additional evidence presented by the complainant or collected by the nominated Board Member. Once there has been an opportunity for the Principal to consider this, s/he will be invited to meet separately with the nominated Board Member, in order to present written and oral evidence in response. The Principal may be accompanied by a work colleague or Trade Union representative.

When the investigation has been concluded, the complainant and the Principal will be informed in writing of the outcome. The complainant will not be informed of any disciplinary/capability action.

The complainant will be told that consideration of their complaint by the Chair is now concluded.

If the complainant is not satisfied with the manner in which the process has been followed or that the Chair has acted unreasonably in considering the complaint, then the complainant may request that the Local Governing Body review the handling of the complaint by the Chair. Any such request must be made in writing within 10 working days of receiving notice of the outcome from the Chair, and include a statement specifying any perceived failures.

### 4.4 Stage 3: Complaint Heard by the Local Governing Body

If the complainant is still dissatisfied with the outcome (having followed the procedure set down in Section 4.2) s/he should write to the Chair of the Local Governing Body giving details of the complaint within ten working days of receipt of the decision letter. Unless the matter is subject to Call-in by the Chief Executive the Chair or another nominated Board Member will convene an *ad hoc* Complaints Committee, if they consider it appropriate, after considering the report of any investigating officer.

The complaints committee will consist of two Board Members and one person independent of the management and running of the Academy. The three people comprising the committee will not have been directly involved in the matters detailed in the complaint. The committee will be appointed by the Chair of the Local Governing Body with the Chair of the committee being appointed when they meet. The committee will convene a hearing at which the complainant will be invited to put forward their case. This should be held within 20 working days of the decision to hold a hearing. The complainant may be accompanied by a friend or relative at the hearing if they wish.

The Complaints Committee will follow the procedure set out in **Appendix B** and in accordance with the roles defined in **Appendix C**.

The complaints committee will take a decision as to any action to be taken in response to the complaint. For example they may choose to:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- recommend changes to the academy's systems or procedures to ensure that problems of a similar nature do not recur.

In reaching a decision the committee may take the advice of such bodies as they see fit, in particular the Department for Education and Ofsted.

If it is decided that it is appropriate to hold a hearing, the clerk of the complaints committee will inform both parties in writing of the decision to hold the meeting within five working days. The Chair of the complaints committee will ensure that the complainant is notified of the committee's decision, in writing, with the committee's response within 7 working days following the meeting.

If, after following this complaints procedure, the complainant is dissatisfied with the outcome, or if there are reasons why they cannot use this procedure - for example, they feel their complaint has not been or will not be given a fair consideration due to a conflict of interest – they can forward their complaint to the Department for Education, using the online **academy complaints form**.

### **Call-in**

Call-in should only be used in exceptional circumstances and only in cases where the complaint directly involves the conduct of a Principal. Call-in will apply where a matter is brought to the attention of the Chief Executive and in his or her opinion the complaint is sufficiently serious to warrant immediate escalation to Stage 4.

### **4.5 Stage 4: Complaint Heard by the Chief Executive**

If the complainant is still dissatisfied with the outcome s/he should write to the Chief Executive giving details of the complaint within ten working days of receipt of the decision letter from the Academy Local Governing Body.

Upon receipt of the complaint the Chief Executive will nominate an individual either a member of staff or an independent third party, the Reviewing Officer, who is not connected to the complaint, to carry out a review the complaint file.

In addition to the complaint file the Reviewing Officer may collect such other evidence as s/he deems necessary.

The review will begin as soon as possible and when it has been concluded, the complainant, and the member of staff concerned, will be informed in writing, within ten working days of receiving the complaint, of the outcome. This may be to the effect that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld
- The concern is not substantiated by the evidence
- The concern was substantiated in part or in full. Some details may then be given of action the Academy may be taking to review procedures etc... but details of the investigation or of any resulting staff disciplinary procedures will not be released
- The matter was fully investigated and the appropriate procedures were followed.

The complainant will be advised in writing that consideration of their complaint by the Reviewing Officer is now concluded.

If the complainant is not satisfied with the outcome of the Review the complainant may request that the matter be considered by the Trust Board in accordance with Section 4.6 below.

#### **4.6 Stage 5: Complaint Heard by the Complaints Committee**

If the complainant is still dissatisfied with the outcome s/he should write to the Chair of the Trust Board giving details of the complaint within ten working days of receipt of the decision letter. The Chair or another nominated Board Member will convene an *ad hoc* Complaints Committee, if they consider it appropriate, after considering the report of any investigating officer.

The complaints committee will consist of two Board Members and one person independent of the management and running of the Trust or the Academy concerned. The three people comprising the committee will not have been directly involved in the matters detailed in the complaint. The committee will be appointed by the Chair of the Trust Board with the Chair of the committee being appointed when they meet. The committee will convene a hearing at which the complainant will be invited to put forward their case. This should be held within 20 working days of the decision to hold a hearing. The complainant may be accompanied by a friend or relative at the hearing if they wish.

The complaints committee will take a decision as to any action to be taken in response to the complaint. For example they may choose to:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- recommend changes to the academy's systems or procedures to ensure that problems of a similar nature do not recur.

In reaching a decision the committee may take the advice of such bodies as they see fit, in particular the Department for Education and Ofsted.

If it is decided that it is appropriate to hold a hearing, the clerk of the complaints committee will inform both parties in writing of the decision to hold the meeting within five working days. The Chair of the complaints committee will ensure that the complainant is notified of the committee's decision, in writing, with the committee's response within 7 working days following the meeting.

If, after following this complaints procedure, the complainant is dissatisfied with the outcome, or if there are reasons why they cannot use this procedure - for example, they feel their complaint has not been or will not be given a fair consideration due to a conflict of interest – they can forward their complaint to the Department for Education, using the online **academy complaints form**.

## 5. Complaints Procedure – Central Trust

**It should be noted that this procedure only applies to those complaints arising out of the activities of the Central Trust or applies across a number of academies. If your complaint relates to the activities within an individual academy then please refer to the procedures set out in Section 4 above.**

### 5.1 Stage 1: Informal Stage: Complaint Heard by a Member of Staff

The complainant is normally expected to arrange to communicate directly with the member of staff concerned. This may be by letter, by telephone or in person by appointment. Many concerns can be resolved by simple clarification or the provision of information and it is anticipated that most complaints will be resolved by this informal stage. In the case of serious concerns it may be appropriate to address them directly to the Chief Executive.

An unreasonable refusal to attempt an informal resolution may result in the procedure being terminated forthwith. Any dispute in relation to the “reasonableness” may be determined through the review process but will not include the member of staff who is the subject of the complaint.

### 5.2 Stage 2: Formal Stage: Complaint Heard by the Chief Executive

If the complaint is not resolved at the informal stage the complainant must put the complaint in writing, using the Form at **Appendix A**, and pass it to the Chief Executive, who will nominate an individual, either a member of staff or an independent third party, the Investigating Officer, who is not connected to the complaint to carry out an investigation.

The complainant should include details that might assist the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents. The Investigating Officer should normally meet with the complainant to discuss his / her concerns within ten working days of receiving the complaint.

The Investigating Officer will collect such other evidence as s/he deems necessary.

The investigation will begin as soon as possible and when it has been concluded, the complainant, and the member of staff concerned, will be informed in writing, within ten working days of receiving the complaint, of the outcome. This may be to the effect that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld
- The concern is not substantiated by the evidence
- The concern was substantiated in part or in full. Some details may then be given of action the Academy may be taking to review procedures etc... but details of the investigation or of any resulting staff disciplinary procedures will not be released
- The matter has been fully investigated and that appropriate procedures are being followed, which are strictly confidential. [e.g. where staff disciplinary procedures are being followed]

The complainant will be advised in writing that consideration of their complaint by the Investigating Officer is now concluded.

If the complainant is not satisfied with the manner in which the process has been followed, the complainant may request that the Chief Executive review the process followed by the Investigating Officer in handling the complaint. Any such request must be made in writing

within 10 working days of receiving notice of the initial outcome from the Investigating Officer, and include a statement specifying any perceived failures to follow the procedure. The procedure described in Stage 3 will then be followed.

If the complainant considers that the Chief Executive has acted unreasonably in considering the complaint, then the complainant may bring a complaint against the Principal – see Section 5.3 below.

### **5.3 Complaints Relating to the Actions of the Chief Executive**

**It should be noted that this procedure only applies when there is a perceived failure in the process which has been followed and does not apply when the complainant is dissatisfied with the outcome. In such cases the complainant should escalate their complaint to the Trust Board in accordance with Section 5.4**

#### **5.3.1 Informal Stage**

The complainant is usually expected to arrange to speak directly with the Chief Executive. In the case of serious concerns it may be appropriate to raise them directly with the Chair of the Trust Board. Many concerns can be resolved by simple clarification or the provision of information. If the matter is not resolved, if both parties agree, then a third party may be invited to act as a mediator at a further meeting. A refusal, unreasonably, to attempt an informal resolution may result in the procedure being terminated forthwith.

#### **5.3.2 Formal Stage**

If the complaint is not resolved at the informal stage the complainant must put the complaint in writing and pass it to the Chair of the Trust Board who will determine which of the agreed procedures to invoke. If it is determined that the complaint is relevant to this complaints procedure, the Chair will arrange for its investigation by a nominated Board Member or an independent person.

The complainant should include details which might assist the investigation, such as names of potential witnesses, dates and times of events, copies of relevant documents etc. In addition the complainant will be invited to meet with the nominated Board Member to present oral evidence or to clarify the complaint. The nominated Board Member will collect such other evidence as is deemed necessary. This may include the interviewing of witnesses and others who may provide relevant information.

The Chief Executive will be provided with a copy of the complaint and any additional evidence presented by the complainant or collected by the nominated Board Member. Once there has been an opportunity for the Chief Executive to consider this, s/he will be invited to meet separately with the nominated Board Member, in order to present written and oral evidence in response. The Chief Executive may be accompanied at this meeting by a work colleague or a Trade Union representative.

When the investigation has been concluded, the complainant and the Chief Executive will be informed in writing of the outcome. The complainant will not be informed of any disciplinary/capability action.

The complainant will be told that consideration of their complaint by the Chair is now concluded.

If the complainant is not satisfied with the manner in which the process has been followed or that the Chair has acted unreasonably in considering the complaint, then the complainant may request that the Trust Board review the handling of the complaint by the Chair. Any such request must be made in writing within 10 working days of receiving notice of the outcome from the Chair, and include a statement specifying any perceived failures.

#### **5.4 Stage 3: Complaint Heard by the Trust Board's Complaints Committee**

If the complainant is still dissatisfied with the outcome s/he should write to the Chair of the Trust Board giving details of the complaint within ten working days of receipt of the decision letter. The Chair or another nominated Board Member will convene an *ad hoc* Complaints Committee, if they consider it appropriate, after considering the report of any investigating officer.

The complaints committee will consist of two Board Members and one person independent of the management and running of the Trust. The three people comprising the committee will not have been directly involved in the matters detailed in the complaint. The committee will be appointed by the Chair of the Trust Board with the Chair of the committee being appointed when they meet. The committee will convene a hearing at which the complainant will be invited to put forward their case. This should be held within 20 working days of the decision to hold a hearing. The complainant may be accompanied by a friend or relative at the hearing if they wish.

The Complaints Committee will follow the procedure set out in **Appendix B** and in accordance with the roles defined in **Appendix C**.

The complaints committee will take a decision as to any action to be taken in response to the complaint. For example they may choose to:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- recommend changes to the Trust's systems or procedures to ensure that problems of a similar nature do not recur.

In reaching a decision the committee may take the advice of such bodies as they see fit, in particular the Department for Education and Ofsted.

If it is decided that it is appropriate to hold a hearing, the clerk of the complaints committee will inform both parties in writing of the decision to hold the meeting within five working days. The Chair of the complaints committee will ensure that the complainant is notified of the committee's decision, in writing, with the committee's response within 7 working days following the meeting.

If, after following this complaints procedure, the complainant is dissatisfied with the outcome, or if there are reasons why they cannot use this procedure - for example, they feel their complaint has not been or will not be given a fair consideration due to a conflict of interest – they can forward their complaint to the Department for Education, using the online **academy complaints form**.

## **6. Making a Complaint to the Department for Education**

**Making a complaint to the Department should only happen once all other routes have been followed.** The exception to this may be where there is a child protection concern, or where a child is missing education.

More information about making a complaint can be found on the DfE website:

<http://www.education.gov.uk/schools/leadership/schoolperformance/b00212240/making-complaint-school/how-to-complain>

The complaint will be investigated by the EFA (Education Funding Agency). Generally the EFA can only look at complaints that fall into the following two areas:

1. The Trust did not comply with its own complaints procedure when considering a complaint or the academy's complaints procedure does not comply with statutory requirements.
2. The Trust has failed to comply with a duty imposed on it under its funding agreement with the Secretary of State.

## **7. Other Relevant Policies**

Confidential Reporting

Grievance Policy



## Appendix A - Complaint Form

Please complete and return to .....(Chief Executive/  
Principal\*) who will acknowledge receipt and explain what action will be taken.

\*Delete as appropriate

**Your name:**

**Student's name and school:**

**Your relationship to the student:**

**Address:**

**Postcode:**

**Contact telephone number:**

**Please give details of your complaint.**

**What action, if any, have you already taken to try and resolve your complaint. For example, have you spoken with the Member of Staff concerned and if so what was their response?**



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

**Are you attaching any paperwork? If so, please give details.**

**Signature:**

**Date:**

**Official use**

**Date acknowledgement sent:**

**By who:**

**Complaint referred to:**

**Date:**

## **APPENDIX B: Procedure for the Complaints Committee**

### **The panel needs to take the following points into account:**

- The hearing is as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The Principal/Chief Executive may question both the complainant and the witnesses after each has spoken.
- The Principal/Chief Executive is then invited to explain the Trust/Academy's actions and be followed by the Trust/Academy's witnesses.
- The complainant may question both the Principal/Chief Executive and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The Principal/Chief Executive is then invited to sum up the Trust/Academy's actions and response to the complaint.
- Both parties leave together while the panel decides on the issues.
- The chair explains that both parties will hear from the panel within a set time scale.

## **APPENDIX C - Roles and Responsibilities**

### **The role of the clerk**

Any panel or group of Board Members considering complaints should be clerked. The clerk would be the contact point for the complainant and be required to:

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate any written material and send it to the parties in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the panel's decision.

### **The role of the Chair of the Panel**

The Chair of the Panel has a key role, ensuring that:

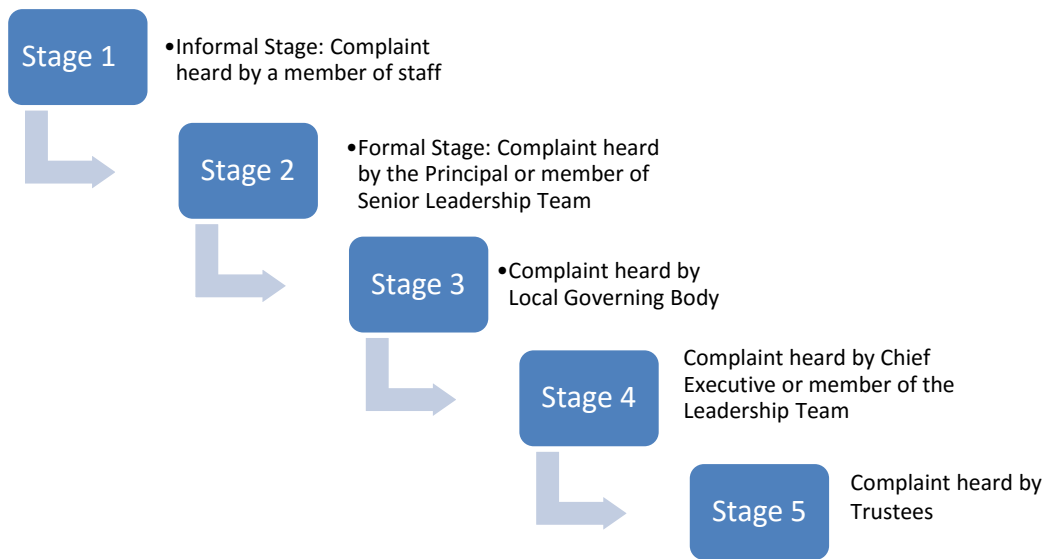
- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- pupils or parents and others who may not be used to speaking at such a hearing are put at ease;
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- the panel is open minded and acting independently;
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- each side is given the opportunity to state their case and ask questions;
- written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

### **Notification of the Panel's Decision**

The Chair of the Panel needs to ensure that the complainant is notified of the panel's decision, in writing within 7 days. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed. The Principal or Chief Executive and where relevant, the person complained about will also be notified of the panel's decision.

## APPENDIX D – Summary of dealing with Complaints

### D1 - Academies



**NB – Making a complaint to the Department for Education should only happen once all other routes have been followed.**

### D2 – Central Team

