

COMPLAINTS PROCEDURE

Version Number 4

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Who should read this document	
Mandatory	
Optional	ALL

1. INTRODUCTION

1.1 This document sets out detailed guidance on the process for dealing with comments, grievances and complaints.

1.2 A complaint is an expression of dissatisfaction about the Academy. Two different types of complaints are recognised by the Academy:

(a) A **justified complaint** - where the academy has failed in their responsibilities.

(b) A **grievance** - where the complainant is dissatisfied but we are not at fault because we are following an agreed policy or procedure.

1.3 Whilst these may be understandable causes for complaint, the concerns raised may reflect policies and budgets already agreed by the academy and the Multi-Academy Trust.

2. INVESTIGATING COMPLAINTS

2.1 At each stage the person investigating the complaint will 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 about, allowing them to be accompanied, if they wish, by a work based colleague;
- conduct the interview with an open mind and be prepared to persist with questioning;
- keep notes of any interview or meeting;
- communicate with the complainant at each stage over discussions and agreements reached.

3. RESOLVING COMPLAINTS

3.1 At each stage in the procedure, successful resolution of the complaint will take priority. If appropriate one or more of the following may be offered:

- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review academy policies in light of the complaint.

3.2 Complainants will be encouraged to state what actions they feel might resolve the problem at any stage.

4. TIME LIMITS

4.1 Complaints will be considered and resolved as quickly and efficiently as possible. Realistic time limits will be set for each action within each stage. However, where further investigations are necessary, new time limits may need to be set and the complainant sent details of the new deadline and an explanation for the delay.

4.2 On occasion, the academy may need to extend the time to respond to a Stage 1 or Stage 2 complaint. This may be because of resource or capacity issues, or because additional information needs to be obtained to investigate the complaint. In such cases, the academy will provide a holding letter, explaining the reason for the delay, and providing a date by which a response will be supplied.

4.3 *Response times given refer to Monday to Friday inclusive, term time only.*

5. RECORD KEEPING

- All complaints will be responded to in writing.
- At Stage 1, even though this is an informal stage, the complainant will receive a reply in writing and a copy should be retained for reference.
- At Stages 2a, 2b and 3, there should be clear communication in writing throughout the handling of the complaint. A copy of all written communication should be retained for reference.

5.1 Only complaints relating to the schooling of a specific child would be kept within the child's files. Other issues will be filed separately in a secure location and will be retained for a period of 7 years.

6. STAGE ONE (informal)

6.1 Concern/Complaint heard by relevant staff member (when not the subject of the complaint).

6.2 Where a complainant is unhappy with an issue in the academy, in the first instance, they should contact a member of staff. In most cases this will be either a child's teacher or the academy office staff. The member of staff receiving the complaint will either:

- Provide a response to the complainant (after discussions with relevant colleagues if necessary), or

- Refer the complaint to the appropriate person within the academy.
- 6.3 Where the complaint concerns the Headteacher, the complainant should proceed to Stage 2b.
- 6.4 If the complainant indicates that they would have difficulty discussing a complaint with a particular member of staff, or the complaint relates to the staff member, the complainant may be referred to another staff member (or the Headteacher). The ability to consider the complaint objectively and impartially is crucial.
- 6.5 The school will respond in writing, **within five school days**, with a brief summary of the complaint and a response.
- 6.6 If the complainant wishes to move to Stage 2, a request must be submitted to the academy in writing, **within 15 school days**, otherwise the matter is considered closed, and will not be considered further. The letter must explain why the complainant is dissatisfied with the outcome of Stage 1.
- 6.7 Complaints must not be referred to individual trustees. Where the first approach is made to a trustee, the complainant should be referred to the appropriate person above and advised of the procedure. Trustees must not act 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.
- 7. STAGE TWO (formal):**
- 7.1 If the complaint is about the Headteacher, the complainant should move to Stage 2b.
- 7.2 2a) Concern/Complaint heard by the Headteacher**
- 7.3 If dissatisfied with the outcome at Stage One, the complainant should contact the Headteacher about the issue. At this point, the complainant may be dissatisfied with the way the complaint was handled at stage one as well as pursuing their initial complaint. The Headteacher, if necessary, will provide a response to the complainant (after discussions with relevant colleagues).
- 7.4 The academy will respond, in writing, **within 15 school days**, with a summary of the complaint and a response.
- 7.5 If the complainant wishes to move to Stage 3, a request must be submitted to the academy, in writing, **within 15 school days**, otherwise, the matter is considered closed, and will not be considered further. The letter must explain why the complainant is dissatisfied with the outcome of Stage 2a.

7.6 **2b) Concern/Complaint heard by the CEO of the Multi-Academy Trust**

7.7 If the complaint is about the Headteacher, the complainant should contact the CEO of the Multi-Academy Trust regarding the issue. The CEO can be contacted by letter addressed to the Academy. The CEO will discuss the concerns with the Headteacher and provide a response to the complainant.

7.8 Where the CEO is absent, the Vice Chair of the Trust, or a representative nominated by the full Multi-Academy Trust, will assume the responsibilities outlined in this procedure.

7.9 The CEO will respond in writing, **within 15 school days**, with a summary of the complaint and a response.

7.10 If the complainant wishes to move to Stage 3, a request must be submitted to the Chair of the Trust, in writing, **within 15 school days**, otherwise the matter is considered closed, and will not be considered further. The letter must explain why the complainant is dissatisfied with the outcome of Stage 2b.

8.0 **STAGE THREE (review):**

8.1 **Complaint heard by the Multi-Academy Trust Complaints Panel**

8.2 If dissatisfied with the outcome at Stage Two, the complainant may write to the Chair of the Trust regarding the complaint, and the Chair will convene the Complaints Panel to review the handling of the complaint at Stage 2 and to examine the decision reached. The complainant should explain why they are requesting a review, and why they consider the response they have received to be unsatisfactory.

8.3 The Trust will determine which Trustees sit on the Multi-Academy Complaints Panel. The membership of the panel will not include the CEO as they will have considered the complaint under Stage 2. Staff trustees and the Headteacher are also excluded, as are any trustees who have a prior involvement in the case. The panel must also include one person who is independent of the management and running of the school.

8.4 If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate.

For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.

- 8.5 Individual complaints will not be heard, at any stage, by the whole Multi-Academy Trust Board as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint. It is not appropriate for the details of complaints to be shared widely amongst the Governing Body.

9. THE REMIT OF THE COMPLAINTS PANEL

- 9.1 The trustee chairing the panel will acknowledge receipt of the complaint **within five school days**.

- 9.2 The panel will convene to examine the complaint **within 15 school days** of receipt of the complaint. The Complaints Panel is not convened to merely rubber-stamp previous decisions, it will investigate the complaint promptly and impartially.

- 9.3 If the matter is complex and requires more time to investigate, a letter may be sent to the complainant outlining the reasons for any delay and the subsequent timescale for the complaint. Every effort must be made to respond to complaints in a timely manner.

- 9.4 The Complaints Panel will decide on the method of investigation depending on the nature of the complaint. The Complaints Panel can:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint;
- recommend changes to the academy systems, policies or procedures to ensure that problems of a similar nature do not recur.

- 9.5 Panel members must not have a conflict of interest and must not have been involved in the matters under review.

10. OUTCOME OF THE COMPLAINTS PANEL MEETING

- 10.1 The chair of the Committee will provide a written explanation of the outcome and action taken to the complainant **within five school days** of the Complaints Panel meeting.

- 10.2 The Chair of the Committee will provide a written explanation of the outcome to all parties of the complaint, with a full explanation of their decision and the reason(s) for it, in writing, within **five school days** of the Complaints Panel meeting.

11. RECORD KEEPING OF COMPLAINTS

- 11.1 All complaints will be kept and stored, confidentially and securely. This refers to all documents, reports and statements relating to the Complaint.

- 11.2. Correspondence, statements and records relating to individual complaints will be

kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.