



# The Spencer Academies Trust

## Complaints Policy April 2017

The Local Governing Body of Heanor Gate Science College adopted this policy on 19 September 2017.

It will be reviewed annually, by the Trust Personnel and Appraisal Committee no later than 30 June 2018

## **Contents**

<b>1</b>	<b>Introduction</b>	<b>2</b>
<b>2</b>	<b>How to raise a concern</b>	<b>3</b>
<b>3</b>	<b>Formal Meetings under this policy</b>	<b>3</b>
<b>4</b>	<b>Right to be accompanied at meetings</b>	<b>4</b>
<b>5</b>	<b>The Procedure</b>	<b>4</b>
<b>6</b>	<b>Referral to the Education Funding Agency</b>	<b>5</b>

## 1 Introduction

- 1.1 This policy applies to all Academies within The Spencer Academies Trust. The Directors may approve a transitional policy for recently converted academies in exceptional circumstances. The Scheme of Delegation for each Academy within the Trust outlines the delegated responsibility for staffing matters and the pay and conditions of all staff.
- 1.2 Legally all Schools, Academies and Trusts must have a complaints policy which deals with the handling of concerns from the parents/carers of pupils. This policy has been developed taking into account the requirements of The Education (Independent Schools Standards) Regulations 2014 in force at the date of the adoption of this policy.
- 1.3 Reference to the Principal includes the Chief Executive Officer (CEO) and the senior leader responsible for the Academy, as applicable, taking into account the management structure of the Academy or appropriate Trust Operation Support lead.
- 1.4 The complaints procedures will:
- be well publicised and easily accessible;
  - be simple to understand and use;
  - encourage the resolution of problems by informal means wherever possible
  - be impartial;
  - establish time limits for action and keeping people informed of progress
  - be non-adversarial;
  - respect people's confidentiality;
  - ensure full and fair investigations where necessary;
  - address all points of issue, provide an effective response and appropriate redress where necessary
- 1.5 The governors and employees of the Trust aim for all our pupils to benefit from the best possible education and services, within a happy, safe and caring environment. If you think that we are not living up to your expectations of us we want to know about it so that we may have the opportunity to consider your views and will where appropriate undertake to put things right. The outcome of a complaint will be used to reflect on the services provided by the Academy/Trust and will if necessary be used to improve our services.
- 1.6 The reporting of concern is encouraged by the Trust and each Academy. We aim to resolve concerns as close to the source of the misunderstanding or problem as possible. The following procedure acts as a framework to allow concerns or matters for clarification to be raised confidentially, and provides for a thorough and appropriate investigation of the matter, to bring it to a satisfactory conclusion.
- 1.7 This policy may be used by parents/carers, pupils, members of the wider community and other stakeholders to raise complaints about the Academy/Trust.
- 1.8 Complaints which relate to admissions, exclusions, SEND provisions, Academy reorganisations and matters of child protection or whistleblowing are covered by other policies. There are also separate policies for managing employee discipline, grievance, harassment and bullying.
- 1.9 Complaints concerning the Principal, Executive Principal or the CEO will be managed in the case of the Principal or Executive Principal by the CEO or in the case of the CEO by the Chair of the Trust Board.

- 1.10 Guidance on managing the complaints procedures is available from the Trust HR Manager who must be consulted before commencing these procedures.

## **2 How to raise a concern and what will happen next**

- 2.1 Initial or informal concerns or complaints can be made either in person, by telephone or in writing to the class teacher or other appropriate member of staff. A meeting request form is attached as Appendix 1. This may be used to request a meeting where this is deemed appropriate by the person raising the concern.
- 2.2 Formal complaints must be in writing, unless in exceptional circumstances where this may help overcome particular difficulties caused by a disability, or difficulty understanding English. You should include details which might assist the investigation, such as names of potential witnesses, dates and times of events and copies of relevant documents. It is very important that you include a clear statement of the actions that you would like the Trust/Academy to take to resolve your concern. A formal complaint form is attached as Appendix 2.
- 2.3 Formal concerns should initially be raised with the Principal of the Academy. Where the concerns relate to the Principal these should be raised with the Chief Executive Officer and where they relate to the Chief Executive Officer with the Chair of the Directors of the Trust. If your complaint is about the work of the Trust the complaint should normally be sent to the Chief Executive Officer. Contact details can be found on the Trust/Academy websites for The Spencer Academies Trust and each Academy.
- 2.4 Where you remain dissatisfied you may raise a complaint at stage two of the policy. A complaint review request form is attached as Appendix 3.
- 2.5 Concerns or complaints should be brought to the attention of the Academy/Trust as soon as possible. A complaint made more than three months after the event complained of will not normally be considered except in exceptional circumstances.
- 2.6 Receipt of formal complaints received at stage one and stage two will be acknowledged by the Trust/Academy within 5 working days. Wherever possible any investigations undertaken will be concluded within 20 working days of receipt of the formal complaint form. Where the complaint is complex or requires further investigation any extension to this timeframe will be communicated to the complainant.
- 2.7 Anonymous concerns or complaints will not normally be investigated under this policy, unless there are exceptional circumstances.

## **3 Formal meetings under this policy at stage one and two**

- 3.1 Following an initial investigation, 10 working days' notice of the date, time and place of a formal meeting under stage two or three of this policy will be given. The written notification will include details of the concerns raised and information on the actions already taken. This will allow the complainant a reasonable opportunity to consider this information before a meeting and provide a further written response should they wish, which should be submitted 3 working days before the meeting.
- 3.2 Complainants should take all reasonable steps to attend a meeting. A meeting may be adjourned if the Academy is awaiting receipt of information, needs to gather any further information or give consideration to matters discussed at a previous meeting. The complainant will be given a reasonable opportunity to consider any new information obtained before the meeting is reconvened.

- 3.3 Confirmation of the outcome including any decisions, findings and recommendations made at a formal meeting under stage one and stage two will be given in writing, usually within 5 working days of the meeting, unless this time scale is not practicable, in which case it will be provided as soon as is practicable.
- 3.4 Notes of formal meetings held under the Complaints Policy will be taken and a copy will be provided to all parties.

#### **4 Right to be accompanied at meetings**

- 4.1 Complainants may bring a companion who may be a relative or friend to any formal meeting under stage one or stage two of this policy. Their identity must be confirmed before the meeting takes place. Some companions may not be allowed: for example, anyone who may have a conflict of interest, or whose presence may prejudice a meeting.
- 4.2 If the complainant is unable to attend a formal meeting at the time specified, the Academy will seek to agree an alternative time where possible.

### **5 The Procedure**

#### **Informal stage - dealing with concerns**

- 5.1 Initial concerns should be raised informally with a class teacher, key stage or curriculum lead or another appropriate member of staff, either in person, by telephone or in writing.
- 5.2 The member of staff will undertake an initial investigation and decide on appropriate action. The school should keep a record of the response. The complainant will be advised how to make a formal complaint if they remain dissatisfied.

#### **Formal stage one**

- 5.3 Where a formal written complaint is received the Principal, or their appointed representative will undertake an initial investigation as appropriate to the circumstances of the complaint. If the complaint is about the Principal or Executive Principal it is investigated by the Chief Executive Officer or their appointed representative. If the complaint is about the Chair of Governors or any other member of the Governing Body it is investigated by the Chief Executive Officer or their appointed representative.
- 5.4 A written acknowledgement of the complaint will be provided within 5 working days. Where appropriate you will be invited to a meeting. A written response will be given following the conclusion of the investigation and within 5 working days of any meetings held.

#### **Formal stage two**

- 5.5 If formal stage one has been completed and the complainant is dissatisfied with the way in which their complaint has been handled or the outcome, the case can be referred to the Chief Executive Officer who will appoint a Complaints Panel. Any such requests must be made in writing within 5 working days of the date of the written outcome from stage one. The complaints form must be completed, providing a full account of the complaint as outlined in 2.4 above.
- 5.6 The Panel will consist of at least three people who were not directly involved in the matters detailed in the complaint. One member of the Panel will be independent of

the management and running of the Academy. The complainant will be invited to the hearing, given 10 working days' notice of the date of the hearing and the right to be accompanied.

5.7 The Panel will make findings and/or any recommendations. A copy will be provided to the complainant, the Principal and, where relevant, to the person complained about within 5 working days of the meeting.

5.8 The 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 Trust/Academy's systems or procedures to ensure that problems of a similar nature do not recur.

5.9 A written record will be kept of all formal complaints and whether they are resolved following a formal procedure, or proceed to a panel hearing. The record will;

- record action taken by the Academy as a result of those complaints (regardless of whether they are upheld); and
- provide that correspondence, statements and records relating to individual complaints are to 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.

5.10 Stage two concludes the Complaints Policy and there will be no further right of appeal under this or any other Trust/Academy policy.

## **6 Vexatious complaints and unacceptable behaviour by the complainant**

6.1 Where the Trust considers that a complainant is demonstrating unreasonably persistent complainants behaviour, for example making unduly frequent and/or repeated complaints, or the behaviour of the complainant is unacceptable in any meetings held under these procedures, the Trust will take such action as it thinks appropriate to manage such behaviour. This may include (but is not limited to) placing limits on contact with staff or opting not to invoke this complaints procedure further. Where such action is being considered by the Trust, the complainant will receive a written warning. Should the behaviour persist, the appropriate action will be determined proportionately in light of the nature of the behaviour in question and any other relevant circumstances.

## **7 Referral to the Education Funding Agency**

7.1 Once a complaint has been through all the stages of this Complaints Policy, if the Complainant believes that this Complaints Policy does not comply with the Regulations, or that the Academy has not followed the procedure in this Complaints Policy, the Complainant can refer the complaint to the Education Funding Agency for consideration.

7.2 The EFA will look at complaints about academies where:

- there is undue delay or the academy did not comply with its own complaints procedure when considering a complaint

- the Academy is in breach of its funding agreement with the Secretary of State
- an Academy has failed to comply with any other legal obligation

7.3 The EFA will not overturn an Academy's decision about a complaint. However, if it finds an academy did not deal with a complaint properly it will request the complaint is looked at again and procedures meet the requirements set out in the Regulations.

7.4 Complaints can be made to the EFA via the [schools complaints form](#).

## **General Principles Underlying This Policy**

### **Confidentiality**

Confidentiality is an important part of the procedures provided under this policy. Everyone involved in the operation of the policy is responsible for observing the high level of confidentiality that is required. Details of the matter must only be disclosed on a "need to know" basis.

Information about these procedures will be placed on file, along with a record of the outcome and of any notes or other documents compiled during the process and marked as confidential. These will be processed in accordance with the Academy's Data Protection Policy.

Breach of confidentiality may give rise to disciplinary action under this Policy.

### **Consistency of Treatment and Fairness**

The Spencer Academies Trust and Local Governing Body is committed to ensuring consistency of treatment and fairness and will abide by all relevant equality legislation.

### **Delegation**

The Scheme of Delegation sets out the rules in respect of the delegation of functions by Trust Directors, CEO, Local Governing Bodies, Principals or other senior leaders responsible for the Academy.

### **Monitoring and Evaluation**

The Chief Executive Officer, Local Governing Body and Principal will monitor the operation and effectiveness of the Academy's arrangements for raising concerns or complaints.

### **Retention**

The Local Governing Body and Principal will ensure that all written records are retained in a secure place in line with the retention of records protocols and then destroyed.

### **Equality Impact Assessment (EIA)**

An Equality Impact Assessment (EIA) has been completed in relation to this policy.

## Appendix 1

### The Spencer Academies Trust: Meeting Request Form Informal Stage

NAME:	
RELATIONSHIP WITH ACADEMY: (e.g. parent of a pupil on the school roll/member of the public):	
PUPIL'S NAME (if relevant to your complaint):	
ADDRESS:	
CONTACT TELEPHONE NUMBER(S):	
EMAIL ADDRESS:	

I wish to meet a member of staff to discuss the following matter:

Brief details of topic to be discussed:
---

Dates/times when it would be most convenient for a meeting:
---

Signed:

Date

[Please complete this form and return it to the school office]

#### Academy use:

Date Form received:

Received by:

Date response sent:

Response sent by:



## Appendix 2

### The Spencer Academies Trust - Formal Complaint Form Stage One

Please complete this form and return it to the academy office or to the Principal/Head of School who will acknowledge its receipt and inform you of the next stage in the procedure.

NAME:	
RELATIONSHIP WITH ACADEMY: (e.g. parent of a pupil on the school roll/member of the public):	
PUPIL'S NAME (if relevant to your complaint):	
ADDRESS:	
CONTACT TELEPHONE NUMBER(S):	
EMAIL ADDRESS:	

Please give concise details of your complaint, (including dates, names of witnesses etc...), to allow the matter to be fully investigated:

You may continue on separate paper, or attach additional documents, if you wish.

Number of additional pages attached =

What action, if any, have you already taken to try to resolve your complaint? (i.e. who have you spoken with or written to and what was the outcome?)

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

Signature:

Date:

**Academy use:**

Date Form received:

Received by:

Date acknowledgement sent:

Acknowledgement sent by:

Complaint referred to:

Date:

### Appendix 3

#### The Spencer Academies Trust Complaint Review Request Form Stage Two

Please complete this form and return it to the Chief Executive Officer, who will acknowledge its receipt and inform you of the next stage in the procedure.

NAME:	
ADDRESS:	
CONTACT TELEPHONE NUMBER(S):	
EMAIL ADDRESS:	

I submitted a formal complaint to the academy and am dissatisfied by the procedure that has been followed.

I have attached copies of my formal complaint and of the response(s) from the academy.

I am dissatisfied with the way in which the procedure was carried out, because:

You may continue on separate paper, or attach additional documents, if you wish.

Number of additional pages attached =

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

Signed:

Date:

**Academy use**

Date Form received:

Received by:

Date acknowledgement sent:

Acknowledgement sent by:

Complaint referred to:

Date:

## Complaints Procedure Flowchart

### ● Informal Stage

- Informal concerns raised with the class teacher or other appropriate member of staff
- Member of staff responds to the complainant
- Where the complainant requests a meeting using meeting request form a meeting will be held with 10 working days
- A record of the complaint and the outcome recorded by the Academy and copy sent to the complainant where appropriate



### ● Stage One

- Complaint form completed and sent to the Academy if they remain unhappy
- Within 5 working days the Principal will acknowledge the complaint
- Initial investigation conducted with 20 working days
- Within 10 working days the Principal will investigate and respond in writing
- Outcome provided in writing with 5 working days of the meeting



### ● Stage Two

- Complainant writes to the CEO if they remain unhappy
- Within 5 working days the complaint will be acknowledged
- Within 10 working days the date and time of a panel hearing will be notified to the complainant
- Within 5 working days the Panel outcome will be communicated to the complainant in writing stating that there is no further right to complain under this or other academy procedure



### ● EFA

- The complainant may refer their complaint to the Education Funding Agency if they remain unhappy