

**Complaints policy and procedure**

**April 2021**

<b>Published date:</b> April 2021	<b>Next review deadline:</b> April 2024	<b>Statutory</b>	<b>Executive Lead at ATT:</b> <b>Andy Gannon</b> <b>Director of Corporate</b> <b>Affairs</b>
--------------------------------------	--	------------------	---

<b>Associated documents:</b>	
<ul style="list-style-type: none"> <li>• <a href="#">Part 7 of the Education (Independent School Standards) Regulations 2014</a></li> </ul>	This policy provides the detail of how we will respond to a complaint or a concern. In all respects we will comply with the expectations in these regulations.
<b>Links to:</b>	
<ul style="list-style-type: none"> <li>• <b>Grievance policy</b></li> <li>• <b>Whistleblowing policy</b></li> <li>• <b>Safeguarding policy</b></li> <li>• <b>Behaviour policy</b></li> <li>• <b>Admissions policy</b></li> </ul>	

**Approved by the Audit and Risk committee of the Trust Board, 10 March 2021**

## **Our Vision**

### **We have one core purpose:**

To have the biggest positive impact in the varied communities we serve through ensuring top drawer education for our learners. #TransformingLives

### **How do we ensure this across our trust?**

In all we do we are:

1. Ethical to the core, ensuring that education is always front and centre
2. Futures focused system leaders – never simply followers
3. Collaborative in every endeavour
4. Resolutely learner centred.

### **What does this look like across our trust?**

#### Education

We are:

1. Ruthlessly ambitious for all who learn and work with us
2. Unwaveringly inclusive – determined on eradicating barriers to educational success
3. Committed to excellent teaching
4. Determined upon academic excellence for all in our communities
5. Compassionate, ethical and caring advocates for all in our communities
6. Outwardly facing and globally conscious

#### Operations

We are:

1. Committed to the very best people development and empowerment
2. Determined to shout loudly and share proudly our successes
3. The best professional and technical experts (supporting education) in the sector
4. Committed to the very best understanding and management of risk

#### Financial

We are:

1. Providing the best possible public service for the best possible value
2. Determined to supplement our public income with shrewd income generation
3. Building financially sustainable models of educational improvement in our communities
4. Demonstrably efficient in all we do

### **Our values**

- We will work inclusively within our communities, embracing the varied localities we serve while sharing our common vision and values.
- We will develop the very best leaders of the future, working to improve education and transform lives.
- We will adhere unwaveringly to the 'Nolan Principles' of Public Service, which is made clear in our commitment to Ethical Leadership.

## **Statement of intent**

We aim to deal positively with all complaints and concerns, at the earliest possible stage.

We welcome complaints and concerns as an opportunity for us to review our operations and learn lessons that will enable us to continue to better fulfil our core purpose:

*To have the biggest positive impact in the varied communities we serve through ensuring top drawer education for our learners. #TransformingLives*

This complaints policy and procedure is designed to enable us to achieve resolution in regard to complaints which relate to the operation of our individual academies. It also contains information for those seeking to raise a complaint about other areas of our trust's activity.

We believe that complaints are best resolved by those closest to the possible solution, and will therefore ensure that all complaints are dealt within by academy leaders in accordance with these procedures, regardless of how the complaint is received.

Any person, including a member of the public, can make a complaint, and should follow the procedures outlined in this policy if they decide to do so.

We are committed to providing a high-quality service in everything we do; this includes dealing with all complaints fairly and impartially.

We do not, however, tolerate unacceptable behaviour and will act to protect staff from such behaviour on the part of a complainant, including that which is abusive, offensive or threatening.

## **Contents**

<b>1</b>	<b>Who can make a complaint? .....</b>	<b>5</b>
<b>2</b>	<b>The differences between a concern and a complaint.....</b>	<b>5</b>
<b>3</b>	<b>Anonymous complaints .....</b>	<b>5</b>
<b>4</b>	<b>Time scales .....</b>	<b>5</b>
<b>5</b>	<b>Complaints received outside of term time .....</b>	<b>5</b>
<b>6</b>	<b>Scope of this complaints procedure.....</b>	<b>6</b>
<b>7</b>	<b>Resolving complaints .....</b>	<b>7</b>
<b>8</b>	<b>Withdrawing a complaint.....</b>	<b>7</b>
<b>9</b>	<b>Record keeping, availability for inspection and data protection ...</b>	<b>7</b>

### ***Complaints procedure***

<b>10</b>	<b>Informal concerns or complaints .....</b>	<b>8</b>
<b>11</b>	<b>How to make a complaint .....</b>	<b>8</b>
<b>12</b>	<b>Stage 1 – formal complaint .....</b>	<b>8</b>
<b>13</b>	<b>Stage 2 – panel hearing.....</b>	<b>9</b>
<b>14</b>	<b>Complaints not related to a specific academy .....</b>	<b>10</b>
<b>15</b>	<b>Next steps .....</b>	<b>11</b>

### ***Appendices***

	<b>Appendix 1 – Commitments of people involved in this policy .....</b>	<b>12</b>
	<b>Appendix 2 – Unreasonable complaints .....</b>	<b>13</b>
	<b>Appendix 3 – Complaints form .....</b>	<b>15</b>

## **1 Who can make a complaint?**

This complaints procedure is not limited to parents or carers of children that are registered at one of our academies. Any person, including a member of the public, may make a complaint to one of our academies about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (see section 6 below), we will use this complaints procedure.

## **2 The difference between a concern and a complaint**

A concern may be defined as *'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'*.

A complaint may be defined as *'an expression of dissatisfaction however made, about actions taken or a lack of action'*.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. We take concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, we will ensure that you are able to discuss the matter with another member of staff. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, we will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

## **3 Anonymous complaints**

We will not normally investigate anonymous complaints. However, the Principal may determine that an anonymous complaint warrants an investigation, even though we will not be able to respond or feed back formally to the complainant.

## **4 Time scales**

You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will only consider complaints made outside of this time frame if exceptional circumstances apply.

Throughout this document, the term 'working days' refers to a day when the academy is fully open to all pupils.

## **5 Complaints received outside of term time**

We will consider complaints made outside of term time to have been received on the first academy day after the holiday period.

## 6 Scope of this complaints procedure

This procedure covers all complaints about any provision of community facilities or services by our academies, other than complaints that are dealt with under other statutory procedures, including those listed below. For the avoidance of doubt, these matters will **not** be dealt with under this policy.

Exceptions	Who to contact
<ul style="list-style-type: none"> <li>Admissions to the academy</li> </ul>	Concerns about admissions should be handled through a separate process – please see our <i>Admissions policy</i> for details of the appeals process.
<ul style="list-style-type: none"> <li>Matters likely to require a Child Protection Investigation, related to safeguarding</li> </ul>	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. If you have serious concerns, you should follow local procedures for child protection referrals.
<ul style="list-style-type: none"> <li>Exclusion of children from academy</li> </ul>	Concerns and complaints about the application of statutory exclusions procedures should be made as part of those procedures and as detailed in our <i>Behaviour policy – Appendix D</i> .
<ul style="list-style-type: none"> <li>Examination results</li> </ul>	Concerns about the results of examinations and (in 2021) Teacher Assessed Grades will be dealt with using the appropriate appeals processes.
<ul style="list-style-type: none"> <li>Whistleblowing</li> </ul>	We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. Please refer to our <i>Whistleblowing policy</i> . The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters direct with their employer. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a> .
<ul style="list-style-type: none"> <li>Staff grievances</li> </ul>	Complaints from staff and former staff will be dealt with under the academy’s internal grievance procedures.
<ul style="list-style-type: none"> <li>Staff conduct</li> </ul>	Complaints about staff will be dealt with under the academy’s internal disciplinary procedures, if appropriate.  Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.
<ul style="list-style-type: none"> <li>Provision of third party services</li> </ul>	Complaints about services which are delivered by third parties (e.g. catering) should be addressed to the appropriate organisation and dealt with under their complaints procedures. Please contact the academy office if you need details of who to get in touch with.

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations. If this happens, we will inform you of a proposed new timescale.

If a complainant commences legal action in relation to their complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

## **7 Resolving complaints**

At each stage in the procedure, we will seek to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review academy policies in light of the complaint
- an apology.

## **8 Withdrawal of a complaint**

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

## **9 Record keeping, availability for inspection and data protection**

We maintain a record of all complaints, regardless of whether or at which stage the complaint was resolved. This record includes details of the complaint and the complainant, copies of all correspondence and notes and details of the recommendations made and actions taken. This information will also be provided to complainants at every stage. The record will be maintained regardless of whether or not the complaint was upheld.

These records will be kept securely and confidentially within our academies, although academy leaders will make them available if the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them on academy premises.

Such records may include information held on a recording device, if its use was deemed appropriate at any stage of the process to aid communication or the recall of information.

Complainants have a right to request access to any of these records at any time in accordance with our Data Protection policy, which is available on our website.

## ***Complaints procedure***

### **10 Informal complaints and concerns**

It is to be hoped that most concerns can be expressed and resolved on an informal basis.

You should try to resolve your complaint with the person to whom it relates. You should not approach the Principal or individual governors to raise informal concerns or complaints about other members of staff, as this may prevent them from considering a formal complaint at a later stage.

The person to whom your complaint relates will acknowledge your complaint (if received in writing) within five working days and seek to provide a resolution within fifteen working days.

If your concern or complaint can be resolved informally, then the member of staff who dealt with the matter will keep a record of it on file and will ensure that you are aware of this.

If the issue remains unresolved, the next step is to make a formal complaint.

### **11 How to make a formal complaint**

A formal complaint can be made in person, in writing or by telephone. It may also be made by a third party acting on behalf on a complainant, as long as they have appropriate consent to do so.

Complaints against academy staff (except the Principal) should be made in the first instance, to the Principal via the academy office. Please mark them as Private and Confidential.

Complaints that are about the Principal or members of the Local Academy Committee should be addressed to the Regional Education Director, via the academy office. Please mark them as Private and Confidential.

For ease of use, a template complaint form is included at the end of this procedure. If you require help in completing the form, please contact the academy office. You can also ask a third-party organisation for example like the Citizens Advice to help you.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. This may include, for instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

### **12 Stage 1 – Formal complaint**

Formal complaints must be made to the Principal as detailed in paragraph 10 above, via the academy office. This may be done in person or in writing (preferably on the Complaint Form).

The Principal will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within five working days.

Within this response, the Principal will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Principal can consider whether a face to face meeting is the most appropriate way of doing this.

The Principal will then arrange for an investigation to take place. They may delegate the conduct of the investigation to an appropriate member of staff within our trust but not the decision to be taken.

During the investigation, the investigator will



- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, the Principal (or RED) will provide a formal written response within twenty working days of the date of receipt of the complaint.

If the Principal is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions we will take to resolve the complaint.

The Principal will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

If the complaint is about the Principal, or members of the Local Academy Committee, the Regional Education Director will be responsible for the completion of Stage 1, and may call on colleagues from elsewhere in our trust to support this work.

### **13 Stage 2 – Panel hearing**

If the complainant is dissatisfied with the outcome at Stage 1 and wishes to take the matter further, they can escalate the complaint to Stage 2 – a panel hearing consisting of at least three people who were not directly involved in the matters detailed in the complaint with a Chair who is independent of the management and running of the academy. This is the final stage of the complaints procedure.

Usually, the panel will be made up of governors (including trustees) who may be from any of the academies within our trust. The stage 2 panel may meet virtually in order to facilitate the greatest degree of impartiality.

A request to escalate to Stage 2 must be made to the Clerk of the Local Academy Committee, via the academy office, within five working days of receipt of the Stage 1 response.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within five working days.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within twenty working days of receipt of the Stage 2 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

A complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend, although representatives of the media are not permitted to attend.

At least ten working days before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and

that the venue and proceedings are accessible

- request copies of any further written material to be submitted to the committee at least five working days before the meeting.

Any written material will be circulated to all parties at least five working days before the date of the meeting. The panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The panel will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

The panel will consider the complaint and all the evidence presented. The panel can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the academy's systems or procedures to prevent similar issues in the future.

The Chair of the panel will provide the complainant and the Principal with a full explanation of their decision and the reason(s) for it, in writing, within ten working days.

The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions that will be taken to resolve the complaint.

The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the academy premises by the proprietor and the Principal.

A written record will be kept of all complaints, of whether they are resolved at the preliminary stage or proceed to a panel hearing and of any action taken by the academy as a result of the complaints.

#### **14 Complaints not related to a specific academy**

If a complaint does not relate to a specific academy, but instead concerns the broader operations of our trust, it should be raised via the Company Secretary using the email address [office@academytransformation.co.uk](mailto:office@academytransformation.co.uk).

Any complaints received in this way which do relate a specific academy will be referred back to the Principal to be dealt with as outlined above.

In the case of a genuine complain about our trust, the same two stages will apply, but stage 1 will be led by a member of the trust's Executive Leadership Team and stage 2 will involve a panel of trustees. At all stages, the same principles will apply as outlined in paragraphs 11 and 12 above and the Company Secretary will ensure that appropriate impartiality is maintained.

## **15 Next steps**

If the complainant believes we did not handle their complaint in accordance with the published complaints procedure or acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the ESFA after they have completed Stage 3.

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made. They will consider whether we have adhered to education legislation and any statutory policies connected with the complaint and whether we have followed Part 7 of the Education (Independent Academy Standards) Regulations 2014.

The complainant can refer their complaint to the ESFA online at: [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus), by telephone on: 0370 000 2288 or by writing to:

Academy Complaints and Customer Insight Unit  
Education and Skills Funding Agency  
Cheylesmore House  
5 Quinton Road  
Coventry  
CV1 2WT.

## **Appendix 1 - Commitments of people involved in this policy**

During the implementation of this policy, we will

- ensure that this policy is made widely available, including to the parents of our pupils and learners and by publishing it on all academy websites
- always take the complainant and the content of their complaint seriously
- offer support to complainants in expressing their views, if needed
- conduct discussions in a courteous and professional manner
- ensure that all those involved in a matter can share their views as part of an investigation
- work objectively and make decisions which are based on evidence
- keep notes of conversations and make these available in an open manner if requested
- ensure that information about the complaint is treated in accordance with the GDPR and our relevant data protection policies
- be mindful of our values and obligations, including, but not limited to, those related to safeguarding and our duties under the Equalities Act 2010
- keep the complainant informed of what is going on, especially if there is likely to be any delay in the process.

In return, we ask that complainants

- follow the procedures outlined in this policy
- ask for assistance if any is needed to ensure that information is expressed clearly
- ensure that the details of the complaint are expressed as fully as possible
- assist us by providing additional information promptly if it is requested
- conduct discussions in a courteous and professional manner
- refrain from excessive communication once the complaints process is underway
- refrain from talking to others about the complaint and from discussing the matter on any social media platform
- notify us as soon as possible if they decide to withdraw the complaint.

At all stages of this policy, a complainant may choose to be accompanied or supported by an independent person who is not a legal representative. This independent person may offer support to the complainant and help them to express their views. They should also abide by the commitments outlined above.

Any concern that a party has not acted in the spirit of these commitments should be referred to one of our Regional Education Directors. If complainants are found to have behaved inappropriately, we reserve the right to deem the complaint 'unreasonable' (see section 7).

## Appendix 2 - Unreasonable complaints

We define 'unreasonable complaints' as

*Those complaints where it is readily apparent that the content of the complaint is entirely without merit or that the complaint is being made solely the intention of causing inconvenience, harassment or expense.*

We may view a complaint as unreasonable if:

- a complainant refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
- a complainant refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved
- a complainant refuses to accept that certain issues are not within the scope of a complaints procedure
- a complainant insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice
- a complainant introduces trivial or irrelevant information which the complainant expects to be considered and commented on, or raises large numbers of detailed but not directly relevant questions, and insists they are fully answered, often immediately and to their own timescales
- a complainant makes unjustified complaints about staff who are trying to deal with the issues and seeks to have them replaced
- a complainant changes the basis of the complaint as the investigation proceeds
- a complainant repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- a complainant refuses to accept the findings of the investigation into that complaint where this complaints procedure has been fully and properly implemented and completed including referral to the ESFA
- a complainant seeks an unrealistic outcome
- a complainant makes excessive demands on academy time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- a complainant does not comply with the commitments outlined in paragraph 3.2.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically

- maliciously
- aggressively
- using threats, intimidation or violence
- using abusive, offensive or discriminatory language
- knowing it to be false
- alongside a 'campaign' against the Trust or the academy using, for example, social media platforms

- using falsified information.

This list is not intended to be exhaustive.

An academy Principal (or more senior member of staff) can decide that a complaint is deemed 'unreasonable'. This will normally only happen after the complainant has been invited to speak with the Principal and encouraged to change their behaviour.

If a complaint is deemed 'unreasonable', the academy Principal (or more senior member of staff) will write to the complainant advising them that the complaint will not be considered.

If a complainant makes more than one complaint which is deemed 'unreasonable', the academy Principal (or more senior member of staff) may write to the complainant explaining that there may be consequences for their general engagement with the academy, for example

- meetings with the complainant may always have to have two members of staff present and be recorded
- all communication from the complainant may have to be in writing
- the complainant may be barred from the academy premises
- we may seek advice from our legal advisers regarding behaviour which constitutes harassment
- we may consider referring the complainant's behaviour to the police.

### Appendix 3 - Complaints form

Name	
Address	
Pupil's name	
Pupil's date of birth	
Telephone number	
Email	
What is your complaint concerning?	
What action would you like the academy or the Trust to take?	
Which members of staff have you already discussed this complaint with?	
What was the result of the discussion?	
Signature	
Date	