

Complaints Policy and Procedure for Eden Academy Trust Schools

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Version Control

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5	October 2019	Reviewed considering latest guidance and ratified by the Board in November 2019
5.1	March 2020	Clarification of the composition of a Trustee Complaints Committee

1. Introduction

The Education (Independent Schools Standards) Regulations 2014 Schedule 1 part 7 states that academies are required to have in place a procedure to deal with complaints relating to the school and to any community facilities or services that the school provides. The law requires the procedure to be publicised and made available to parents. This policy and procedure applies to all Eden Academy Trust Schools.

2. Scope and Aim

This procedure covers complaints made by parents, guardians, pupils or any other stakeholder, and applies to all school employees, school facilities and services. Staff grievances and disciplinary matters are outside of the remit of this policy.

It is the Eden Academy Trust's aim to deal with complaints quickly and fairly, at an appropriate level in the organisation.

3. General Principles of complaints

3.1 Dealing with Complaints – Initial concerns

It is important to 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.

This policy and procedure deals with complaints but the underlying principle is that concerns ought to be handled, if 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. In most cases the class teacher or the individual delivering the service in the case of extended school provision, will receive the first approach. It would be helpful if staff were able to resolve issues on the spot, including an apology where necessary.

3.2 Dealing with Complaints – Formal procedures

The 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.

The School Head has responsibility for the operation and management of the school complaints procedure. They may nominate a complaints co-ordinator to assist with administration.

3.3 Framework of Principles

This Complaints Procedure:

- encourages resolution of problems by **informal** means wherever possible;
- is easily **accessible** and **publicised**;
- is **simple** to understand and use;
- is **impartial**;
- is **non-adversarial**;
- allows **swift** handling with established **time-limits** for action and keeping people informed of the progress;
- ensures a full and **fair** investigation by an independent person where necessary;
- respects people's desire for **confidentiality** and 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;
- addresses all the points at issue and provide an **effective** response and **appropriate** redress, where necessary;
- provides **information** to the school's senior management team so that services can be improved.

3.4 Investigating Complaints

The person investigating the complaint makes sure that they follow the principles set out in the Eden Academy Trust's "Managing School Based Investigations" Policy and Procedures, including:

- establish **what** has happened so far, and **who** has been involved;
- clarify the nature of the complaint and what remains unresolved;
- meet with the complainant or contact them (if unsure or further information is necessary);
- clarify what the complainant feels would put things right;
- interview those involved in the matter and/or those complained of,

- allowing them to be accompanied if they wish;
- conduct the interview with an open mind and be prepared to persist in the questioning;
- keep notes of the interview.

3.5 Complaints about our fulfilment of early years requirements

We will investigate all written complaints relating to the trust's fulfilment of the Early Years Foundation Stage requirements and notify the complainant of the outcome with 28 days of receiving the complaint. Schools will keep a record of the complaint (see section entitled 'Record Keeping' below) and make this available to Ofsted on request.

Parents and carers can notify Ofsted if they believe that a school is not meeting Early Years Foundation Stage requirements by:

- Calling 0300 123 4234 or 0300 123 4666
- Emailing enquiries@ofsted.gov.uk
- Using the online contact form available at <https://www.gov.uk/government/organisations/ofsted#org-contacts>

Schools will notify parents and carers if they become aware that they are to be inspected by Ofsted. Schools will also supply a copy of the inspection report to parents and carers of children attending the setting on a regular basis.

3.6 Resolving Complaints

At each stage in the procedure schools will keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

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

It would be useful if complainants were encouraged to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence.

It is useful to identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

3.7 Vexatious Complaints

This procedure should limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the School Head should inform them in writing that the procedure has been exhausted and that the matter is now closed, and provide them with details of the Chair of the Board of Trustees who can be asked to review the case and refer it to the Board of Trustees complaints panel if deemed necessary.

3.8 Time-Limits

Complaints need to be considered, and resolved, as quickly and efficiently as possible using time limits given in this procedure. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

4. Managing and Recording Complaints

4.1 Recording Complaints

It is essential to record the progress of the complaint and the final outcome. A complaint may be made in person, by telephone, or in writing. An example of a complaint form can be found in Annex C. At the end of a meeting or telephone call, it would be helpful if the member of staff ensured that the complainant and the school have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls can be kept, and a copy of any written response added to the record.

4.2 Management and Governance Review

The Senior Headteachers will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary.

As well as addressing an individual's complaints, the process of listening to, and resolving, complaints will contribute to school improvement. When individual complaints are heard, schools may identify underlying issues that need to be addressed. The monitoring and review of complaints by the Senior Headteachers can be a useful tool in evaluating a school's performance.

The Local Advisory Board (LAB) will be appraised of any complaints by the School Head. Complaints information shared with the whole LAB should not name individuals.

4.3 Publicising the Procedure

There is a legal requirement for the Complaints Procedures to be publicised. It is up to the Trust to decide how to fulfil this requirement, but details of the Complaints Procedures could be included in:

- the school prospectus;
- the information given to new parents when their children join the school;
- the information given to the children themselves;
- the home-school agreement;
- home school bulletins or newsletters
- documents supplied to community users including course information or letting agreements;
- a specific complaints leaflet which includes a form on which a complaint can be made;
- posters displayed in areas of the school that will be used by the public, such as reception or the main entrance;
- the school and Eden Academy Trust websites.

5. Complaints Procedure

5.1 Stage One: Complaint Heard by Staff Member

It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. To that end, staff should be periodically made aware of the procedures, so that they know what to do when they receive a complaint.

Complainants should never feel or be made to feel that a complaint made in a reasonable and appropriate way will be taken amiss or, in the case of a parent or guardian, will reflect adversely on their child and the child's opportunities at the school. The school should try to investigate and try to resolve every complaint in a positive manner and will treat every complaint as an opportunity to improve service.

The school should try to respect the views of a complainant who indicates that they would have difficulty discussing a complaint with a particular member of staff. In these cases, the matter can be referred to the School Head who may, if they feel it appropriate, refer the complainant to another member of staff. Alternatively, they may not feel this is necessary.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, they may consider referring the complainant to the School Head. The ability to consider the complaint objectively and impartially is crucial.

Where the first approach is made to an Academy Trust Member, Trustee or LAB member, the next step would be to refer the complainant to the appropriate person and advise them about the procedure. Academy Trust Members, Trustees or LAB members must not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

The person dealing with the complaint should provide a written acknowledgement to the complainant within 5 working days, not including school or public holidays, of receiving the complaint. A copy of the Trust's Complaints Policy and Procedure should be provided at the same time.

The person dealing with the complaint will carry out the necessary investigation to establish the facts. This may include meeting with the complainant. On completion of the investigation, a written response to the complaint should be provided to the

complainant within 10 working days, not including school or public holidays, of the school's written acknowledgement of the complaint to the complainant. The written response should contain an outline of the complaint, the response to the complaint, the decisions reached and the reasons for those decisions. This can include:

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

The School Head must endorse the written response. It should also inform the complainant that if they remain dissatisfied with the outcome to their complaint, they can progress it to the second stage of this procedure. Where the complainant wishes to take the matter to the second stage, they must send a written request within 10 working days, not including school or public holidays, of receiving the Stage 1 written response stating their reasons.

If no further communication is received from the complainant within the given period of time, it is deemed that the complaint has been resolved and the matter is closed.

5.2 Stage Two: Complaint Heard by School Head

If the complainant is dissatisfied with the way the complaint was handled at stage one, they may go to stage 2 and have the matter considered by the School Head. The School Head may delegate the task of collating any additional information required to what has already been done at Stage One to another staff member but not the decision on the action to be taken.

The same process and timings apply as in Stage 1.

The written response to the complainant should inform them what process they need to follow if they remain dissatisfied at this stage, which is that they can ask for the matter to be considered by a School Complaints Panel. The request must be made in writing to the School Head within 10 working days, not including school or

public holidays, of receiving the outcome of Stage Two, stating their reasons why they remain dissatisfied.

If no further communication is received from the complainant within the given period of time, it is deemed that the complaint has been resolved and the matter is closed.

5.3 Stage Three: Complaint Heard by the School Complaints Panel

Following a request being received from the complainant for their complaint to be considered at Stage 3, the School Head will inform the Clerk to the Board of Trustees, who will convene a School Complaints Panel within 4 working weeks of receiving the request. The panel will consist of 3 Academy Trust Members, Trustees or LAB members, excluding any parent or staff representative from that school's LAB. At least one member must be independent and will be drawn from the LAB at another school if possible (excluding staff members). If this is not possible, an independent person will be sought from outside of the academy.

No person involved should have had previous involvement in the complaint.

The complainant should be given 10 working days, not including school or public holidays, " notice of the meeting. The Clerk to the Board of Trustees, via the School Office Manager who will act as Panel Clerk, will write and inform the complainant, panel members and any witnesses of the date and location of the meeting. The notification should inform the complainant that they can bring a friend/relative to accompany them to the meeting, and that they if they wish, they can submit further written evidence relevant to the complaint for consideration by the School Complaints Panel.

5.4 Complaints Heard by the CEO / Board of Trustees Complaints Committee

Complaints against the School Head will be heard by the CEO and escalated to the Board of Trustees Complaints Committee if necessary.

5.5 The Remit of the School Complaints Panel

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 school's systems or procedures to ensure that problems of a similar nature do not recur.

There are several points which any Academy Trust Member, Trustee or LAB member sitting on a complaints panel needs to remember:

- a) It is important that the appeal hearing is independent and impartial and that it is seen to be so. No member may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, the Clerk to the Board of Trustees should try to ensure that it does not include parents, management or other staff members from that school but that it represents a cross section of representative groups and is sensitive to the issues of disability, age, race, gender, ethnicity, skin colour, sexual orientation, gender identity and religious affiliation.
- b) The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it should be recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
- c) An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.
- d) Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent or guardian is the complainant, it would be helpful to give them the opportunity to say which parts of the hearing, if any, the child needs to attend.
- e) The panel members need to be aware of the Complaints Procedure.

5.6 Roles and Responsibilities

5.6.1 The Role of the School Head

The School Head will:

- check that the correct procedure has been followed;
- notify the Clerk to the Board of Trustees to arrange the panel if a hearing is appropriate;

5.6.2 The Role of the Clerk to the Board of Trustees

The Clerk to the Board of Trustees will:

- identify appropriate members for the School Complaints Panel, ensuring that the principles set out in 5.5a above are met;

5.6.3 The Role of the Panel Clerk

It is strongly recommended that any panel considering complaints be clerked.

The Panel 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 the panel's decision to all parties including the complainant and, where appropriate, the person complained about as well. A written copy of any recommendations should also be held on the school premises for inspection by the School Head, Director of Schools, Academy Members, Trustees and LAB members.

5.6.4 The Role of the Panel Chair

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;
- 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 personal stake 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.

5.7 Hearing the Complaint at the Meeting

The aim of the meeting will be to resolve the complaint and achieve reconciliation between the school and the complainant.

In the interest of natural justice, the introduction of previously undisclosed evidence or witnesses would be a reason to adjourn the meeting so that both sides have time to consider and respond to the new evidence.

The recommended conduct of the meeting is follows:

- 5.7.1 The Chair will welcome the complainant, introduce the panel members and explain the procedure.
- 5.7.2 The Chair of the panel will invite the complainant to explain the complaint.
- 5.7.3 The panel members may question the complainant about the complaint and the reasons why it has been made.
- 5.7.4 The Chair will invite the School Head to ask any questions of the complainant relevant to the complaint.
- 5.7.5 The Chair will invite the School Head to make a statement in response to the complaint. At the discretion of the Chair, the School Head may invite members of staff directly involved in the complaint to supplement

the School Head's response.

- 5.7.6 The panel may ask questions of the School Head and the members of staff about the response to the complaint.
- 5.7.7 The Chair will allow the complainant to ask questions of the School Head and members of staff about the response to the complaint.
- 5.7.8 Either party has the right to call witnesses, subject to the approval of the Chair.
- 5.7.9 The Panel, the School Head and the complainant may question any such witnesses.
- 5.7.10 The Chair will invite the School Head to make a final statement to sum up their case.
- 5.7.11 The Chair will invite the complainant to make a final statement to sum up their case.
- 5.7.12 The Chair will explain to the complainant and the School Head that the panel will now consider all the information available to them and reach a decision, and a written decision will be sent to both parties within 10 working days, not including school or public holidays. The Chair will then ask all parties to leave except the members of the panel.

5.8 Notification of Panel's Decision

The chair of the panel needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response within 10 working days, not including school or public holidays. The letter should inform the complainant that they may appeal to Board of Trustees Complaints Committee.

5.9 Board of Trustees Complaints Committee

This committee's roles and processes will follow those outlined for the School above.

This is the last stage of the Trust's Complaints Procedure and the Board of Directors Appeal Panel's decision is final.

If the complainant is unsatisfied with the outcome of the school or trust complaints procedure, they can refer their complaint to the ESFA. The ESFA will check whether

the complaint has been dealt with properly. The ESFA will not overturn the school or trust's decision about a complaint. However, it will look into:

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

If the complaint was not dealt with properly, the school or Trust will be asked to re-investigate the complaint. If the complaints procedure is found not to meet regulations, the trust will be asked to correct its procedure accordingly.

For more information or to refer a complaint, see the following webpage:

<https://www.gov.uk/complain-about-school>

5.10 Post Complaint Actions

Following the conclusion of the complaint process, the written record of the complaint should be updated by the School Head to include:

- confirmation that the complaint has been resolved and whether this was informally or through the formal process;
- a written copy of any recommendations for inspection by a Director of Schools, Academy Trust Members, Trustees and LAB members.
- any action taken by the school as a result of the complaint, regardless of whether it was upheld.

6. Complaints about the Trust or Central Staff

We use a 3-step process for addressing complaints made about the trust as a whole, or against central staff:

- Informal resolution
- Formal investigation
- Board of Trustees Complaints Committee hearing

6.1 Stage 1: informal resolution

We make every effort to address any concerns or complaints early through informal measures.

The complainant should raise any concerns as soon as possible with the relevant member of the trust's central team, or the Chief Executive Officer (CEO).

If the concern regards the CEO, the complainant should contact the Chair of the Board of Trustees.

If the complainant is unsure who to contact, or needs to contact the Chair of the Board of Trustees, they should contact the Clerk to the Board of Trustees:

- Email: keith.holroyd@theedenacademy.co.uk
- Post: Mr K Holroyd. Clerk to the Board of Trustees, Grangewood School, Fore Street, Pinner HA5 2JQ

The process for responding to and investigating an informal complaint about the trust or central staff is the same as that set out in section 3.

6.2 Stage 2: formal investigation

If the complaint is not resolved satisfactorily at the informal stage, the complainant must submit a formal complaint in writing. The complainant will receive written acknowledgement of their complaint within 10 working days, not including school or public holidays.

The investigating officer will then conduct an investigation, in line with the process set out in section 3.4 above, providing a written response to the complainant within 10 working days, not including school or public holidays.

6.3 Stage 3: Board of Trustees Complaints Committee hearing

Complaints will be escalated to the panel hearing stage if the complainant is not satisfied with the response to the complaint at the second, formal, stage.

A panel will be appointed by the trust and will consist of 3 members, comprising 2 Trustees who were not directly involved in the matters detailed in the complaint plus 1 panel member who is independent of the management and running of the school and will be external to the Trust.

The complainant must be notified of the date, time, and location of the review panel at least 10 working days, not including school or public holidays in advance.

However, the review panel reserves the right to convene at their convenience rather than that of the complainant.

The complainant and representatives from the trust, as appropriate, will be present at the panel hearing. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant must be allowed to attend the panel hearing and be accompanied if they wish.

The Board will ensure that the hearing is properly minuted.

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

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

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

The panel will inform those involved of the decision in writing within 10 working days, not including school or public holiday.

Post Complaint Actions

Following the conclusion of the complaint process, the written record of the should be updated by the Clerk to the Board of Trustees to include:

- confirmation that the complaint has been resolved and whether this was informally or through the formal process;
- a written copy of any recommendations for inspection by the Cabinet, Academy Members and Trustees.

any action taken by the Trust as a result of the complaint, regardless of whether it was upheld.

Annex A - Checklist for a Panel Hearing

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 School Head may question both the complainant and the witnesses after each has spoken.
- The School Head is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the School Head 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 School Head is then invited to sum up the school'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.

Annex B - Complaint Form

Please complete and return to
..... (complaints co-ordinator)
who will acknowledge receipt and explain what action will be taken.

Your name:
.....

Pupil's name:
.....

Your relationship to the pupil:
.....

Address:

Postcode:

Day time telephone number:

Evening telephone number:

Please give details of your complaint.

What action, if any, have you already taken to try and resolve your complaint. (Who did you speak to and what was the 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:

If, after the completion of all the stages in the Trust's Complaints Policy and Procedure, you are unsatisfied about the handling of your complaint and feel the Trust did not follow the procedures set out in the School Admission Appeals Code 2012, then you may take this to Education and Skills Funding Agency (ESFA).

.....
.....

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date:

Annex C – Flowchart, Summary of Dealing with Complaints



