

## Complaints policy and procedure

September 2019

<b>Published date:</b> September 2019	<b>Next review deadline:</b> September 2022	<b>Statutory</b>	<b>Executive Lead at ATT:</b> Andy Gannon Head of Corporate Affairs
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<b>Associated documents:</b>	
<b>Links to:</b>	
<ul style="list-style-type: none"> <li>• <b>Grievance policy</b></li> <li>• <b>Whistleblowing policy</b></li> </ul>	

## **Our Vision – Transforming education: Transforming performance: Transforming lives**

Putting children and young people at the heart of all that we do.

We will ensure that all our children and young people, regardless of their background, fulfil their educational potential. We will do this in safe, supportive and ambitious environments, ensuring we maximise life chances for them all.

### **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.

## **Contents**

<b>Statement of intent</b>	<b>4</b>
<b>1. Legal framework and definitions</b>	<b>5</b>
<b>2. Scope of policy</b>	<b>5</b>
<b>3. Commitments of people involved in the policy</b>	<b>6</b>
<b>4. Making a complaint</b>	<b>7</b>
<b>5. Complaints procedure</b>	<b>8</b>
<b>6. Record keeping and data protection</b>	<b>13</b>
<b>7. Unreasonable complaints and complainants</b>	<b>14</b>
<b>Complaints form</b>	<b>16</b>

## **Statement of intent**

Academy Transformation Trust (ATT) aims to deal positively with all complaints and concerns, at the earliest possible stage.

ATT welcomes 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 mission:

*Transforming education; Transforming performance; Transforming lives –  
putting children and young people at the heart of everything we do.*

This complaints policy intends to enable concerns or complaints to be satisfactorily resolved. These may be concerns or complaints from any of our stakeholders, and relating to the Trust, any of our academies or to individual members of the Trust's staff.

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.

ATT is committed to providing a high-quality service in everything it does; 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.

## **1 Legal framework and definitions**

1.1 This policy has due regard to statutory legislation, including, but not limited to

- The Education Act 2002
- The Freedom of Information Act 2000
- The Immigration Act 2016
- The Equality Act 2010
- The General Data Protection Regulation (GDPR)
- The Data Protection Act 2018
- The Education (Independent School Standards) Regulations 2014.

1.2. For the purposes of this policy, ATT follows the Department for Education's guidance in defining concerns and complaints as follows:

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

*A complaint is 'an expression or statement of dissatisfaction, however made, about actions taken or a lack of action'.*

Where this policy refers to 'complaints', it is taken to include 'concerns' also. Anyone raising a complaint is referred to in this policy as a 'complainant'.

1.3 Where this policy refers to 'ATT' or 'the Trust', this should be taken to include any member of the Trust's staff, including governors and Trustees. The normal 'first port of call' for a complaint will usually be a class teacher or member of staff within an academy.

1.4 The timescales in this policy should be taken to apply from the point at which a complaint is received and understood by the Trust. Complainants should ensure that their complaint has been received if they are in any doubt. The phrase 'working days' applies to days when the academy is open to pupils – it will take longer, in real time, to deal with complaints out of term-time, for example.

1.5 A complaint will be deemed 'closed' if, at any stage of the process, a complainant

- notifies the academy or the Trust that they no longer wish to process
- fails to comply with the timescales set out for the escalation between stages
- otherwise fails to comply with any reasonable request made within the scope of this policy (for example, to attend a scheduled meeting).

## **2 Scope of this policy**

2.1 This policy applies to all complaints except for complaints relating to

- safeguarding, which may require a more urgent response and should be dealt with in accordance with the academy's safeguarding procedures and the Trust's Safeguarding policy, available on the Trust's website
- admissions, which should be dealt with in accordance with the Trust's Admissions policy, available on the Trust's website
- exclusions, which should be dealt with in accordance with the Trust's Exclusions policy, available on the Trust's website
- complaints from staff, which should be dealt with in accordance with Trust policies on Whistleblowing and Grievances
- the provision of services on Trust premises by third-party suppliers, which should be directed to the relevant third party.

### **3 Commitments of people involved in this policy**

#### **3.1 During the implementation of this policy, Trust staff will**

- 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 the Trust's relevant data protection policies
- be mindful of the Trust's 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.

#### **3.2 In return, we ask that complainants**

- follow the procedures outlined in this policy
- ask for assistance from the Trust 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 the Trust by providing additional information promptly if it is requested
- conduct discussions in a courteous and professional manner
- 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.

**3.3** 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 in paragraph 3.2 above.

**3.4** Any concern that a party has not acted in the spirit of these commitments should be referred to a Regional Education Director within the Trust. If complainants are found to have behaved inappropriately, the Trust reserves the right to deem the complaint 'unreasonable' (see section 7).

**3.5** Where a complaint relates to an individual member of staff, the Trust will ensure that, as far as is reasonable, all information relating to the complaint is also made available to that individual at an appropriate time. Individual members of staff are expected also to behave in a way that demonstrates the commitments outlined in paragraphs 3.1 and 3.2.

#### **4. Making a complaint**

- 4.1 We expect that all complaints will be dealt with initially at stage 1 of this procedure, as detailed in section 5.1 below.
- 4.2 The normal 'first port of call' for a complaint will be a member of the academy's staff. The exceptions to this are
- where the complaint is about an academy Principal, it should be directed to the Chair of the academy's Local Academy Committee (LAC) – contact details are available from the academy
  - where the complaint is about the Chair of the LAC, it should be directed to the Trust's Head of Corporate Affairs at the Trust's Head Office
  - where the complaint is about a more senior member of the Trust than the academy Principal or the Chair of the LAC (including the CEO or the Chair of Trustees), it should be directed to the Trust's Head of Corporate Affairs at the Trust's Head Office
  - where the complaint is about the Trust's Head of Corporate Affairs, it should be directed to the Trust's CEO at the Trust's Head Office.
- 4.2 Complainants should ensure that the complaint is made as soon as possible after a specific incident, and the Trust reserves the right not to consider a complaint if more than three months have elapsed since the incident to which it refers.
- 4.3 Complaints may be made in person, in writing, by telephone or via email. All complaints will be treated in accordance with this policy, regardless of how they are made.
- 4.4 Complainants may find it helpful to use the form at the back of this policy to lodge their complaint, as this will help to ensure that as much information as possible is collected at the outset.

## 5 **Complaints procedure**

### 5.1 Stage 1 - informal

- 5.1.1 A complainant should contact a member of staff at the academy – this may be the class teacher, a tutor, Head of Year/House, Head of Department/Faculty or a member of the academy’s Senior Leadership Team (SLT).
- 5.1.2 The member of staff receiving the complaint will note the details of the complaint in a similar format to the form at the back of this policy (if the complaint is made in person or by telephone).
- 5.1.3 If the complaint is received in writing or via email, the member of staff receiving the complaint may pass it to a more senior or appropriate colleague within the academy. This member of staff will ensure that the complaint is acknowledged in writing within five working days of its receipt.
- 5.1.4 The aim of stage 1 of this policy is to arrive at a resolution with which the complainant is satisfied relatively swiftly. In some cases, the academy will be able to offer a solution without further discussion and, if a complainant is satisfied with this, they may choose to withdraw or close the complaint at that stage.
- 5.1.5 If this complaint is more complex, academy staff may choose to convene up to two meetings with the complainant and, possibly, other people (including members of the academy’s SLT), to discuss how a satisfactory resolution may be achieved.
- 5.1.6 Such meetings will seek to establish what happened to prompt the complaint and what remedy the complainant is seeking.
- 5.1.7 A member of staff at the meetings will keep a record of the discussions, which may be used at later stages of the procedure if necessary. During such meetings, any acknowledgement that the academy could have handled things better will not be taken as an admission of unlawful or negligent action.
- 5.1.8 Stage 1 may also involve telephone calls being made between parties – again, records will be kept of these calls by academy staff.
- 5.1.9 The outcome of stage 1 will be communicated in writing to the complainant no later than fifteen working days after the complaint was received. In very exceptional circumstances, stage 1 may take longer than this and, if this is the case, the academy will ensure that the complainant is aware of any revised timescales.
- 5.1.10 When the outcome is communicated to the complainant, the academy will also advise them of their right to progress to stage 2 of this policy if they are unsatisfied with the resolution proposed.



## 5.2 Stage 2 – formal

- 5.2.1 Except in the circumstances outlined in paragraph 4.2, a complaint may only proceed to stage 2 if stage 1 has been exhausted and the complainant remains unsatisfied.
- 5.2.2 To trigger stage 2, a complainant should write (by post or via email) to the academy Principal, detailing clearly the reasons why they remain unsatisfied after stage 1. In very exceptional circumstances, the Principal may deem it is acceptable for this communication to be made in person or by telephone. This communication must be received by the Principal within five working days of the communication of the stage 1 outcome to the complainant.
- 5.2.3 The Principal will acknowledge receipt of the complaint at stage 2 to the complainant in writing within five working days and advise the complainant of the steps they intend to take.
- 5.2.4 It will be normal for the Principal to offer to meet with the complainant as soon as possible. As with all meetings held under this policy, the Principal will make a record of the meeting, and of any telephone calls that are made at stage 2.
- 5.2.5 Stage 2 requires a formal investigation to take place, which will be led by the Principal or by another member of staff or the academy's LAC, at the request of the Principal. The person leading the investigation should not have been involved at stage 1.
- 5.2.6 The investigation will be thorough and seek to establish all the evidence in relation to the complaint being made. It is likely to include the person leading the investigation interviewing, or meeting with, the complainant and other people involved in the complaint, and may involve asking people to make written statements. In all cases, records will be kept of all discussions, and the person leading the investigation will keep the complainant informed of progress as far as can be deemed reasonable.
- 5.2.7 The person leading the investigation will establish any recommendations for resolving the complaint and agree how the academy will implement these recommendations. They will then include these actions in a formal written report, which will be communicated to the complainant as the conclusion of stage 2.
- 5.2.8 As part of this communication, the academy Principal (or another member of the academy's SLT) will offer to meet again with the complainant to establish whether they are satisfied with the outcome.
- 5.2.8 This communication of the outcome of stage 2 will take place no later than fifteen working days after receipt of the initial indication that the complainant wished to proceed to stage 2. In very exceptional circumstances, stage 2 may take longer than this and, if this is the case, the Principal will ensure that the complainant is aware of any revised timescales.
- 5.2.9 When the outcome is communicated to the complainant, the academy will also advise them of their right to progress to stage 3 of this policy if they are unsatisfied with the resolution proposed.

### 5.3 Stage 3 - Trust investigation and appeal

- 5.3.1 A complaint may only progress to stage 3 if stage 2 has been exhausted and the complainant remains unsatisfied.
- 5.3.2 To trigger stage 3, a complainant should write (by post or via email) to the Head of Corporate Affairs at the Trust's Head Office, detailing clearly the reasons why they remain unsatisfied after stage 2. In very exceptional circumstances, the Head of Corporate Affairs may deem it is acceptable for this communication to be made in person or by telephone. This communication must be received by the Head of Corporate Affairs within five working days of the communication of the stage 2 outcome to the complainant.
- 5.3.3 The Head of Corporate Affairs will acknowledge receipt of the complaint at stage 2 to the complainant in writing within five working days and advise the complainant of the next steps, which will be in line with this policy.
- 5.3.4 The Head of Corporate Affairs will first seek to assure themselves that all possible avenues of resolution at stages 1 and 2 have been explored and that the stages 1 and 2 procedures have been properly followed. This may involve meetings or telephone conversations with the complainant or with the academy's staff, and records of these conversations will be kept.
- 5.3.5 If the Head of Corporate Affairs is not satisfied that the procedures have been properly followed, they may propose an informal resolution to the complainant. If the complainant is happy with the proposed resolution, they may choose to withdraw or close the complaint. If they remain unsatisfied, then the Head of Corporate Affairs will convene a Complaints Panel as described in paragraph 5.3.6.
- 5.3.6 If the Head of Corporate Affairs is satisfied that the procedures have been properly followed, they will convene a Complaints Panel. A Complaints Panel will be a meeting of three people, none of whom have had prior involvement with the complaint. At least one member of the panel will be completely independent from the leadership and management of the academy to which the complaint refers, and this person will chair the Complaints Panel. Most often, a Complaints Panel will consist of two members of the LAC for the academy to which the complaint refers and one member of a LAC from another Trust academy.
- 5.3.7 The Complaints Panel will meet to consider the case no later than twenty working days after receipt of the complainant's indication that they wished to proceed to stage 3. The Head of Corporate Affairs will notify the complainant of the date, time and venue of the meeting of the Complaints Panel at least five working days ahead of its meeting. The venue will normally be the academy to which the complaint relates.
- 5.3.8 The Head of Corporate Affairs will ensure that the Chair of the Complaints Panel is provided in good time with all records relating to the complaint as it was dealt with at stage 1 and 2. They may also request further information from the Principal of the academy to which the complaint relates. All information presented to the Complaints Panel will also be made available to the complainant ahead of its meeting.

- 5.3.9 The complainant should make every effort to attend the Complaints Panel so that their views may be heard in person. If they are unable to attend, they may make a written submission to the Complaints Panel which must be received by the Head of Corporate Affairs at least one working day before the Panel meets. The Complaints Panel will proceed regardless of whether the complainant is able to attend.
- 5.3.10 The Principal of the academy to which the complaint relates will also be asked to attend the Complaints Panel. They may choose to delegate attendance to another member of the academy's SLT or to a member of staff who knows the details of the complaint well.
- 5.3.11 The Chair of the Complaints Panel will ensure that the meeting is held in as productive a way as possible and will ensure that all parties can speak without interruption and are treated in a courteous manner. The Chair will also ensure that the Panel meeting is accurately minuted.
- 5.3.12 The Complaints Panel will be independent and impartial. The aim of the Panel is to achieve a reasonable resolution and, ultimately, attain reconciliation between the complainant and the academy involved. This is not always achievable, though, and it may only be possible to establish facts and make recommendations to reassure the complainant that their case has been taken seriously.
- 5.3.13 The Complaints Panel will consider all the information available about the complaint, including
- a summary of the details of the complaint
  - the views of the complainant
  - the views of the academy representative.
- The Complaints Panel may choose to deliberate without the presence of the complainant and the academy's representative and will then come to a conclusion.
- 5.3.14 The Complaints Panel may decide, as its conclusion, to
- dismiss or uphold the complaint, in whole or in part
  - decide on appropriate action to be taken
  - recommend changes that the academy can make to prevent reoccurrence of the problem.
- 5.3.15 The Head of Corporate Affairs will ensure that the minutes of the Complaints Panel, along with a letter summarising the outcome, is sent to the complainant within ten working days of the Panel meeting. They will also advise them of their right to further appeal if they remain unsatisfied.

#### 5.4 Appeal beyond the Trust to the Education and Skills Funding Agency

5.4.1 If a complainant has exhausted the Trust's complaints procedure, they will be advised that they may submit a complaint to the Education and Skills Funding Agency (ESFA) using their online form or by post.

5.4.2 The ESFA will not overturn the Trust's decision about a complaint, but may ask the Trust to reconsider the complaint if it deems

- there was undue delay, or the Trust did not comply with this complaints policy
- the Trust is in breach of its funding agreement with the Secretary of State
- the Trust has failed to comply with any other legal obligation.

## **6 Record keeping and data protection**

- 6.1 The Trust and each of its academies maintains a record of all complaints. This includes details of the complaint and any action taken, as well as information about how, and at what stage, it was resolved.
- 6.2 The Trust keeps such records confidentially but is required to make them available to the Secretary of State or Ofsted inspectors if requested.
- 6.3 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.
- 6.4 Complainants have a right to request access to any of these records at any time in accordance with the Trust's Data Protection policy, which is available on the Trust's website.

## **7 Unreasonable complaints and complainants**

### **7.1 The Trust defines '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.*

The Trust defines 'unreasonable complainants' as

*Those complainants who, because of the frequency or nature of their contacts with the Trust, hinder our ability to give due consideration to the wellbeing, views or concerns of others.*

### **7.2 The Trust may view a complaint or a complainant 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 the academy's complaints procedure has been fully and properly implemented and completed including referral to the DfE
- 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 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.

- 7.3 An academy Principal (or more senior member of staff) can decide that a complaint or complainant 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.
- 7.4 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.
- 7.5 If a complainant is deemed 'unreasonable', the academy Principal (or more senior member of staff) will write to the complainant explaining that they have been designated 'unreasonable'. This may have 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
  - the Trust may seek advice from its legal advisers regarding behaviour which constitutes harassment
  - the Trust may consider referring the complainant's behaviour to the police.
- 7.6 Any designation of a complainant as 'unreasonable' will be reviewed by the academy Principal (or more senior member of staff) every six months and any change in status will be communicated to the complainant in writing.

### 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	