

# **Inspire Partnership Multi Academy Trust Complaints Procedure**



**Policy Review Date – September 2019**

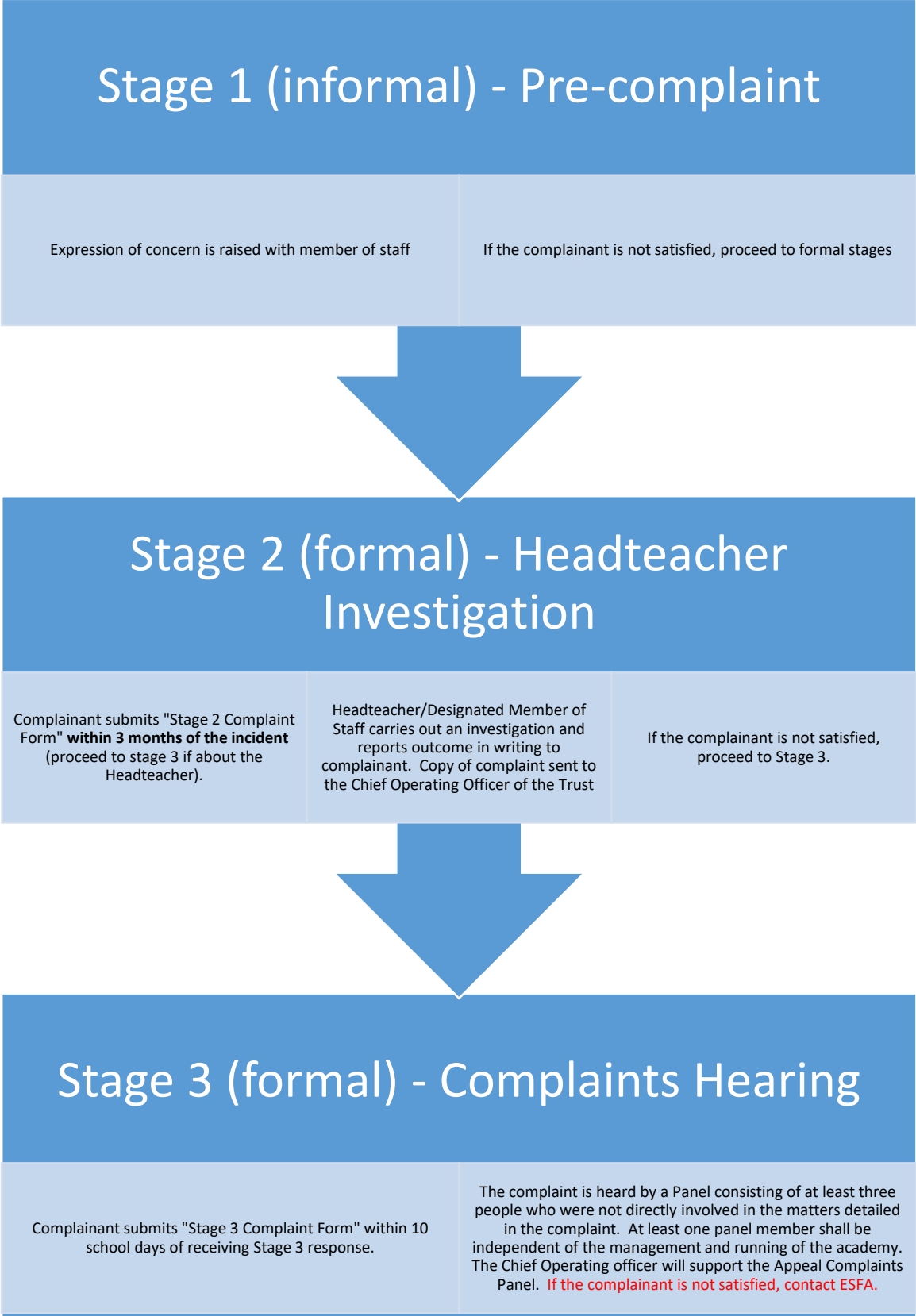
**Date of Next Review – September 2021**

**Personnel Responsible – Chief Operating Officer**

**PROCEDURE FOR DEALING WITH GENERAL COMPLAINTS**

Each stage should be completed before progressing to the next stage.

**There is no further right of appeal. If the complainant considers that the complaints procedure has not been followed correctly, they may contact the ESFA.**



# COMPLAINTS PROCEDURE

## Introduction

All schools are required, by Section 29 of the 2002 Education Act, to establish a complaints procedure and to publicise that procedure.

This policy is based on guidance for schools on complaints procedures from the Department for Education (DfE), including the model procedure, and model procedure for dealing with unreasonable complaints and sets out our approach to dealing with parental concerns and complaints. A copy is available from the school website or school office.

All references to working days refer to days on which the school is open to pupils and for staff training days.

## Scope

The school intends to resolve complaints informally where possible, at the earliest possible stage.

There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

This policy does **not** cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline

Please see our separate policies for procedures relating to these types of complaint.

Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.

## General Principles

The relevant academy/school will try to resolve problems informally wherever possible. An effective response and appropriate redress will be provided to all complaints as quickly as possible dependent upon the complexity of the issues raised.

Where the timescales within this procedure cannot be adhered to, the complainant should be informed as to why this is the case, and given a revised timescale for dealing with the complaint. This should be done within the specified timescale.

## Dealing with complaints

a) At each stage, the person investigating the complaint will ensure that they:

- Clarify the nature of the complaint and unresolved issues
- 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

- Keep appropriate notes of any interview(s) held.

b) At each stage, the person investigating the complaint will seek ways to resolve the complaint satisfactorily.

### **Records**

All complaints will be recorded by the academy/school, including informal complaints. The headteacher is responsible for ensuring that staff record all complaints and their outcome.

- Records relating to individual complaints are confidential, except where the secretary of state or a statutory body conducting an inspection requests access to them.
- The Trust Board will monitor the level and the subject matter of complaints and review the outcomes on a regular basis through the mechanism of performance and data reporting.

### **Inspire Partnership Academies/Schools**

The officer with responsibility for ensuring that this policy is implemented in Inspire Partnership academies/schools is the Chief Operating Officer (COO). Complainants should be aware that headteachers will send a copy of the complaint at Stage 2 to the COO. Headteachers may also refer complaints received to the Chief Operating Officer because they consider the matter is one of such a nature that it should be investigated independently of the academy/school. Likewise, complaints may be retrieved and dealt with by Inspire for the same reason. Where a complaint is made direct to Inspire, it will be logged by the Chief Operating Officer and forwarded to the academy/school unless it is retrieved as stated above.

### **Dealing with Complaints – Initial Concerns**

It is important to be clear about 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'*.

Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints. It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. All our schools take concerns seriously and will make every effort to resolve the matter as quickly as possible.

The policy which follows deals with complaints but the underlying principle is that concerns ought to be handled, if at all 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, will receive the first approach.

### **Anonymous Complaints**

We will not normally investigate anonymous complaints. However, the Headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

### **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.

## **Framework of Principles**

Our 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 within agreed time-limits for action and keeping people informed of progress;
- ensures a full and fair investigation;
- respect people's desire for confidentiality;
- addresses all the points at issue and provide an effective response and appropriate redress, where necessary;
- provides information to the Academy's senior management team so that services can be improved.

## **Investigating Complaints**

At each stage, the person investigating the complaint makes sure that they:

- establish what has happened so far, and who has been involved;
- clarifies the nature of the complaint and what remains unresolved;
- meets with the complainant or contacts them (if unsure or further information is necessary);
- clarifies what the complainant feels would put things right;
- interviews those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conducts the interview with an open mind and is prepared to persist in the questioning;
- keeps notes of the interview;
- Interviews should be recorded, signed and dated by the individual.

## **Resolving Complaints**

At each stage in the procedure the Academy/School 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 Academy 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 Academy could have handled the situation better is not the same as an admission of negligence.

## **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 Chair of the Local Governing Body or CEO is able under this policy to inform them in writing that the procedure has been exhausted and that the matter is now closed.

**Time-Limits**

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. Complaints need to be considered, and resolved, as quickly and efficiently as possible using time limits published in this policy. 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.

The Academy/School will publicise the complaints policy on their website and available from the school office.

**Complaints Received Outside of Term Time**

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

**Withdrawal of a Complaint**

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

## **STAGE ONE – Complaint heard by Staff Member/informal complaints and concerns**

### **Guidelines**

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 will be periodically made aware of the procedures so that they know what to do when they receive a complaint.

Parents must feel able to raise concerns with members of staff without any formality, either in person, by telephone or in writing. On occasion, it may be appropriate for someone to act on behalf of a parent. A parent/carer may request a preliminary discussion about an issue to help decide whether he or she wishes to take the matter further. The Academy will try to respect the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the matter will be referred to another staff member. Where the complaint concerns the Headteacher, the complainant can be referred to the Chair of Governors.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the Headteacher may consider referring the complainant to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial.

Where the first approach is made to a Governor, the next step would be to refer the complainant to an appropriate member of staff and advise them about the procedure. Governors should 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.

Where no satisfactory resolution has been found, the complainant may wish their concern to be considered further. If so, they should be advised about how to proceed with their complaint and about any independent advice available to them.

### **Procedure**

Parents/carers will be given an opportunity to discuss their concerns with the appropriate member of staff, who can clarify the nature of their concern and reassure them that the school wants to hear about it. The member of staff may explain to the parent/carer how the situation arose. It may also be helpful, at this point, to identify what sort of outcome the parent/carer is looking for.

The member of staff will need to respond appropriately, taking into account the seriousness of the complaint. In many cases, this will lead to immediate resolution of the issue.

If the member of staff first contacted cannot deal immediately with the matter, or if they need to refer the matter to someone else, they will make a clear note of the date, name and contact address/phone number of the complainant.

In either case, the member of staff should subsequently ensure that appropriate action is taken to deal with the matter speedily.

Where the concern relates specifically to the Headteacher, the parent should be given the opportunity to meet with the Headteacher to discuss and resolve the problem. In some circumstances, the complainant may prefer to contact the Chair of Governors and this should be accommodated.

The staff member dealing with the complaint should make sure that the complainant is clear what will happen next (if anything). This should be put in writing only if it seems the best way of making the outcome clear.

Where no satisfactory resolution has been found, the complainant may wish their concern to be considered further. If so, they will be advised about how to proceed with their complaint and about any independent advice available to them.

## **STAGE TWO – Formal consideration by the Headteacher (or other appropriate person)**

### **Guidelines**

It will now have become clear that the concern is a definite complaint. In some cases, the Headteacher will already have been involved in looking at the matter. In others, it will be his/her first involvement.

The Headteacher may designate another member of staff to investigate the complaint and collate some of the information from the various parties involved.

### **Procedure**

Complaints should be made via a "Stage 2 Complaint Form" unless the complainant is unable to express the complaint in written form. The "Stage 2 Complaint Form" must be **submitted within 3 months of the incident occurring** unless the complainant has valid reasons.

**The complainant's "Stage 2 Complaint Form" should be acknowledged in writing within 5 school days of receipt.** The acknowledgement will give a brief explanation of the school's complaints procedure and a target date for providing a response to the complaint. **This will normally be within 10 school days.** Where this is not possible, a letter will be sent to the complainant explaining the reasons for the delay and giving a revised response date.

A copy of the Stage 2 Complaint Form will be sent to the Chief Operating officer at Inspire Partnership Multi Academy Trust.

The Academy/Schools will endeavour even at this stage to reach an agreed solution to the complaint in the interests of all involved. Prolonging a complaint longer than is necessary may be harmful to any or all parties involved.

The Headteacher will investigate the complaint appropriately.

Once all relevant facts have been established, the Headteacher will then produce a written response to the complainant and may also wish to meet the complainant to discuss/resolve the matter directly. A written response will include a full explanation of the decision and the reasons for it. Where appropriate, this will include what action the school will take to resolve the complaint.

Where the original complaint is against a Headteacher, Stage Two should be conducted by the Chair of Governors. If the complaint progresses to the formal stage this will be conducted by the Vice Chair or other nominated governor or member of the Trust Board. Where the complaint concerns the CEO or a Trustee, the complaint will be referred to the Chair of the Trust Board to investigate. Where the complaint concerns the Chair, the Vice Chair of the Trust Board will investigate the complaint.



Where the complaint is against the Chair of Governors the first stage should be conducted by the Vice Chair of Governors, or another governor nominated by him/her. If the complaint progresses to the formal stage this will be conducted by another nominated governor or member of the Trust Board.

### **STAGE THREE – Formal Consideration by a Complaints Review Appeal Panel**

#### **Guidelines**

All complaints that reach this stage will have done so because the complainant has not been satisfied by the responses received at Stages 1 and 2.

The complainant should complete and submit a "Stage 3 Complaint Form" to request that their complaint is put before a Complaints Review Panel. The Chair, or, where the complaint is against the Chair, to the Vice-Chair or other nominated governor, will then convene a meeting of the Review Panel. The complaint form should state the original complaint and the reasons for on-going dissatisfaction. The Chair of Governors, Vice Chair or nominated governor, may decline to accept a complaint into the Review Stage where s/he, acting reasonably, believes that the complaint has been wholly upheld at the Formal Stage and in all the circumstances there is no merit in the matter proceeding further.

The Complaints Review Panel hearing is the last stage of the complaints procedure and is not convened merely to rubber-stamp previous decisions. Their remit is to

- Dismiss the complaint in whole or in part;
- Uphold the complaint in whole or part;
- Decide on the appropriate action to be taken to resolve the complaint;
- Recommend changes to the Academy/School systems or procedures to ensure that problems of a similar nature do not recur.

The Complaints Review Hearing is independent and impartial. Only Governors who have had no prior knowledge or involvement in the case can sit on the Complaints Review Panel. The Panel will consist of at least three people who were not directly involved in the matters detailed in the complaint. At least one panel member shall be independent of the management and running of the academy. The Chief Operating Officer will support the Panel and attend the hearing to ensure all procedures are adhered to.

It is important that individual Governors do not become embroiled in complaints at earlier stages because of potential prejudice. If individual Governors are approached about a complaint they should not respond but should refer the complainant to the complaints procedure and/or the appropriate member of school staff.

As Stage 3 is the last chance for a solution or compromise to be reached, every effort will be made to reach agreement through conciliation or mediation. Parents/carers are also encouraged to seek advice at this stage if they have not previously done so.

It is important that the panel views the complaint as being against the school rather than an individual staff member whose actions may have led to the original complaint.

#### **Procedures**

A Complaints Panel hearing should be requested by submitting a "Stage 3 Complaint Form" unless the complainant is unable to express the complaint in written form. The "Stage 3 Complaint Form" should be **submitted within 10 school days following receipt of the response from Stage 2**, unless the complainant has valid reasons.

Following receipt of a Stage 3 request, the procedures outlined below will be followed:

(i) The school will write to the complainant to acknowledge receipt of the written request **within 5 school days**.

(ii) The acknowledgement will inform the complainant that a panel will consider the complaint **within 20 school days**. Where this is not possible, the reason for delay should be explained to the complainant along with a suggested revised target date.

(iii) The letter will ask the complainant (if they have not already done so) to submit, as soon as possible, a written statement setting out clearly the aspects of the complaint that they wish to be considered. The Headteacher and/or appropriate member of staff will also be invited to provide a written statement.

The letter will also explain that the complainant and the Headteacher have the right to submit any further documents relevant to the complaint. Both parties should send such documentation to the Chair of the Complaints Review Panel **at least eight school days** before the complaint hearing.

The letter to the Complainant and Headteacher should also inform them of their right attend the final panel hearing and to be accompanied to the meeting by a friend/advocate/interpreter if they wish.

A copy of the Stage 3 Complaint Form will be sent to the Chief Operating officer at Inspire Partnership Multi Academy Trust.

### **Hearing the Complaint at the Meeting**

The aim of the meeting will be to resolve the complaint and achieve reconciliation between the Academy/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 the other side has time to consider and respond to the new evidence.

The recommended conduct of the meeting is as follows:

- a. The Chair of the panel will welcome the complainant, introduce the panel members and explain the procedure.
- b. The Chair of the panel will invite the complainant to explain the complaint.
- c. The Committee members may question the complainant about the complaint and the reasons why it has been made.
- d. The Headteacher will be invited by the Chair of the panel to question the complainant about the complaint and why it has been made.
- e. The Chair of the panel will invite the Headteacher to make a statement in response to the complaint. At the discretion of the Chair of the panel the Headteacher may invite members of staff directly involved in the complaint to supplement his/her response.
- f. The Committee members may question the Headteacher and/or members of staff about the response to the complaint.
- g. The Chair of the panel will allow the complainant to question the Headteacher and/or members of staff about the response to the complaint.
- h. Any party has the right to call witnesses, subject to the approval of the Chair of the Committee.
- i. The Committee, the Headteacher and the complainant have the right to question any such witness.
- j. The Headteacher will be invited by the Chair of the panel to make a final statement.
- k. The complainant will be invited by the Chair of the panel to make a final statement.

l. The Chair of the panel will explain to the complainant and the Headteacher that the decision of the panel will now be considered and a written decision will be sent to both parties within 15 working days. The Chair of the panel will then ask all parties to leave except for members of the Committee.

m. The Committee will then consider the complaint and all the evidence presented and;

i. Reach a decision on the complaint and the reasons for it.

ii. Decide upon the appropriate action to be taken to resolve the complaint.

n. The Governors sitting on the panel need to be aware of the complaints procedure before the meeting.

If the complainant remains unsatisfied, they may then take their complaint to the Education & Skills Funding Agency (ESFA).

## **Roles and Responsibilities**

### **The Role of the Chief Operating Officer**

The person in charge of co-ordinating the complaints procedure at the academy/school is the Headteacher. Overall responsibility is retained by Inspire through the Chief Operating Officer. The role of governors arises only in respect of appeals where the complainant remains dissatisfied with attempts to resolve the issue of complaint and as set out above.

The Chief Operating Officer is the contact point for the complainant and is 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 all parties of the panel's decision.

The Chief Operating Officer may delegate elements of this role to relevant officers, but retains the responsibility of ensure that all of the above is completed in line with this policy.

### **The Role of the Chair of the Panel**

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 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.

### **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. Students may not appear as witnesses, but they may provide statements.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.

- The Headteacher may question both the complainant and the witnesses after each has spoken.
- The Headteacher is then invited to explain the Academy/School's actions and be followed by the Academy/School's witnesses.
- The complainant may question both the Headteacher 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 Headteacher is then invited to sum up the Academy's actions and response to the complaint.
- Both parties leave together while the panel decides on the issues.
- The Chairman explains that both parties will hear from the panel within a set time scale.

The panel must reach a unanimous or majority decision as to whether or not to uphold the complaint wholly or in part, and what action (if any) the school needs to take to resolve the complaint. This may include referring the matter to another formal process, whether in relation to a complaint against a governor or a member of the school staff. Normally the governors will reach a decision at this point but they may feel the need to take further advice. Where this is the case they should endeavour to reach a decision as soon as possible.

The outcome will be communicated to both parties in writing as soon as possible but, in any case, within five working days of reaching their decision. The response will detail whether the complaint is upheld wholly or in part and briefly summarise the basis on which governors arrived at this conclusion. The response should also include any lessons learnt and specify any action to be taken by the school as a result of the complaint and within what timescales

A report and any recommendations should be presented to the school's Governing Body at the next full meeting.

A written statement outlining the decision of the Panel must be sent to the complainant, Headteacher and any staff named in the complaint.

The Panel may wish to obtain legal advice on the content of the decision letter. If any disciplinary action is to be taken against a member of staff then, to protect his/her rights, only the phrase "***appropriate action has or will be taken***" should be used.

The complainant may contact the ESFA if they are dissatisfied with the way in which their complaint has been handled once the full complaints procedure with the academy/school has been completed.

### **CLOSURE OF COMPLAINTS**

Very occasionally, the school will feel that it needs, regretfully, to close a complaint where the complainant is still dissatisfied.

If a complainant persists in making representations to the school – to the Headteacher, designated Governor, Chair of Governors or anyone else, this can be extremely time-consuming and can detract from the responsibility to look after the interests of all the children.

For this reason, correspondence (including personal approaches, as well as letters and telephone calls) will be closed on a complaint where it is felt that all reasonable action to resolve the complaint has been taken and that the Complaints Procedure has been fully



completed. Correspondence received from the complainant subsequent to closure will be kept on file, indefinitely, as will notes of telephone calls and any further personal calls referring to the matter.

If deadlines set out within the Complaints Procedure are not met (without a valid reason), the complaint will be closed at the end of the last stage reached.

The Chair of Governors (or designated Governor) may decide, therefore, that every reasonable action has been undertaken to resolve the complaint and that a Complaints Appeal Panel would not help to move things forward.

If a complainant has completed the school's Complaints Procedures (with or without recourse to a Complaints Panel) and is still unhappy with the outcome or decision from the Governing Body, they have the right to refer their complaint to the ESFA.

The ESFA will not normally re investigate the substance of complaints or overturn any decisions made by the school/trust. They will consider whether they school/trust have adhered to education legislation and any statutory policies connected with the complaint. At the time of writing this procedure, the ESFA procedure and the ESFA academy complaints form are available at: <https://www.gov.uk/complain-about-school>

<b>Signature CEO :</b>	
<b>Signature Chair of Trust Board :</b>	
<b>Date :</b>	<b>1<sup>st</sup> October 2019</b>

**Appendix A**  
**STAGE TWO COMPLAINT FORM**

It is important that you attempt to resolve any difficulties in the first instance by discussing your concerns/complaint with a member of staff at school. Many complaints can be settled on an informal basis over the telephone by speaking directly with a member of staff or the Headteacher. If you have tried this and are still not satisfied with the response then please fill in all the sections of this form and return it to the school. **The form should be completed and submitted within 3 months of the incident for the complaint to be considered.**

Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address: Postcode: Daytime 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/evidence? If so, please give details.
Signature:
Date:
School use (a copy must be sent to the COO at Inspire)
Date acknowledgement sent:
By who:
Complaint referred to Headteacher / Designated Member of Staff:
Date

**Appendix B  
STAGE THREE COMPLAINT FORM**

If you are not satisfied with the response received from the Chair of Governors'/Designated Governor's investigation of your complaint, then please complete this form and return it to the school. **The form should be completed and submitted within 10 school days of receipt of the Chair of Governors'/Designated Governor's response for the complaint to be progressed.**

<b>Your name:</b>
<b>Date Chair of Governors' response received:</b>
<b>Please provide any further details that you would wish to share with the Panel of Governors hearing your complaint.</b>
<b>Signature:</b>
<b>Date:</b>
<b>School use (a copy must be sent to the COO at Inspire)</b>
<b>Date acknowledgement sent:</b>
<b>By who:</b>
<b>Complaint referred to Chair of Governors / Designated Governor:</b>

**FOR SCHOOL USE ONLY**

**COMPLAINT MONITORING FORM**

Complainant's Name:	
Tel No:	Email Address:
Nature of Complaint:	
<b>Stage 1 – Informal Concern</b>	
List any action taken to resolve the informal concern:	
Complainant satisfied with the outcome: Yes / No	
<b>Stage 2</b>	
Date "Stage 2 Complaint Form" received in school:	
Date Headteacher's response sent to complainant:	
Complainant satisfied with the outcome: Yes / No	
<b>Stage 3</b>	
Date "Stage 3 Complaint Form" received in school:	
Date Chair of Governors' response sent to complainant:	
Complainant satisfied with the outcome: Yes / No	