

# Every Child, Every Day Academy Trust: Complaints policy

## Key points and summary

1. Every Child, Every Day Academy Trust takes all concerns or complaints seriously. Taking informal concerns seriously at the earliest stage reduces the numbers of formal complaints and reflects the commitment to working effectively with all members of the community.
2. This policy will be operated by each school that is part of the Every Child, Every Day Academy Trust. References to 'Headteacher' means the Headteacher of the school that is the subject of the complaint, and references to 'Governor' means any member of the Local Governing Body of that school.
3. This policy aims to ensure that:
  - as far as possible all concerns should be dealt with as informally as possible.
  - all complaints are dealt with as quickly and sensitively as possible, and by the person best able to do so;
  - where a formal process is required, the steps involved are clearly outlined
  - individuals are aware of their responsibilities
4. The emphasis is to understand, investigate and resolve the complaint as early as possible.
5. The formal process has three stages:
  - a. Complaint heard by a member of staff
  - b. Complaint heard by an appropriate member of senior staff appointed by the Headteacher
  - c. Appeal heard by a Complaints Panel.

Approved by: Board of Trustees Approved on: 10<sup>th</sup>  
October 2016

Review date: Summer 2018

Responsibility for review: Chief Executive to recommend to Board of Trustees

## **1. Introduction and statement of intent**

1. Every Child, Every Day Academy Trust takes all concerns or complaints seriously. Taking informal concerns seriously at the earliest stage reduces the numbers of formal complaints and reflects the commitment to working effectively with all members of the community.
2. This policy aims to ensure that:
  - as far as possible all concerns should be dealt with as informally as possible;
  - all complaints are dealt with as quickly and sensitively as possible, and by the person best able to do so;
  - where a formal process is required, the steps involved are clearly outlined; and  people are aware of their responsibilities.

## **2. Scope and applicability**

3. This policy applies to all complaints received by the school, irrespective of who makes the complaint. This policy therefore applies to complaints received from parents of students and to complaints from any other individual.
4. This policy applies to all staff, governors, and trustees.

## **3. The policy**

### **Concerns and complaints**

5. It is important to distinguish between a “concern” and a “complaint”. Most concerns can be made informally to the initial member of staff and be resolved without the need to go through the formal complaint procedures. Initial concerns should be made with the school as soon as possible to allow the matter to be considered carefully, potentially including (as appropriate to the issue that has been raised):
  - Clarifying the nature of the concern and what remains unresolved from the perspective of the person raising the concern
  - Establishing what has happened so far, and who has been involved, including seeking input from those who have been involved.
6. A concern may arise (for example)
  - from uncertainty regarding the application of school rules or disciplinary procedures
  - from misunderstanding or misrepresentation of an incident which has taken place inside or outside the classroom
  - where a parent believes that their child has been misunderstood or treated unfairly and feels it necessary to raise the matter so that steps may be taken to restore goodwill
  - where a parent believes that their child is being bullied or has suffered some form of discrimination and brings the matter to the school’s notice so that action can be taken to prevent a recurrence
7. Concerns should normally be raised with the member of teaching staff most directly involved in the situation giving rise to the concern. Parents will appreciate that it is helpful if a concern is expressed as soon as possible after the relevant incident. The staff member will respond as soon as practicable, and in any case within three working days.
8. A complaint may arise (for example)

- when an individual has previously raised a concern and is not satisfied with the response offered
  - where an individual has serious disquiet over an incident that has taken place or a decision made in the school and believes the school has fallen short of appropriate standards.
9. Complaints should be recorded, either by the individual (writing to the Headteacher or completing the Complaint Form at the end of this document for instance), or by a member of staff following a Stage 1 meeting with the individual. Note – if the complaint concerns the Headteacher any correspondence should be addressed to the Chair of Governors.
10. All complaints, including all Complaint Forms, will be held by the Headteachers' PA.
11. All correspondence and material relating to a complaint is confidential.

### **Investigating complaints**

12. The person investigating the complaint will make sure that they:
- 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; and  keep notes of the interview.

### **Resolving complaints**

13. At each stage in the procedure the person attempting to resolve the complaint will keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is a valid complaint (in whole or in part) without admitting liability. 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; and
  - an undertaking to review School policies in light of the complaint.
14. Complainants will be 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.
15. At all stages those hearing the complaint will attempt to identify areas of agreement between the parties, and to clarify any misunderstandings that might have occurred in order to create a positive atmosphere in which to discuss any outstanding issues.
16. At any stage the Headteacher is able consider whether a complaint is vexatious, unreasonably persistent, or whether the complainant has engaged or is engaging in unreasonable behaviour in accordance with section 8 of this policy. If the Headteacher considers that the provisions of section 8 apply they may act accordingly to ensure any legitimate complaint is appropriately investigated while ensuring that any unreasonable elements or behaviour is managed.

## 4. Stages of complaint

### Stage 1: Complaint heard by a member of staff

17. It is the interests of everyone 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 their complaint will escalate.
18. Staff need to be sensitive to any potential actual or perceived conflicts of interest or difficulties of a particular member of staff being involved in hearing and investigating the complaint.
19. To ensure clarity of understanding, a Complaint Form needs to be completed. This ensures that there is no conflict in determining what the complaint consists of and the action taken by members of staff.
20. The member of staff hearing the complaint needs to ensure that they have investigated it appropriately.
21. The member of staff hearing the complaint will respond to the complainant in writing, with a copy issued to the Headteacher and, where relevant, to the person complained about.
22. It is normally expected that complaints will be acknowledged within three working days, and the Stage 1 process completed within ten school days. If it is clear that the process is going to take longer than this, the reasons for this should be explained to the complainant.
23. The member of staff should complete the Complaints Form and pass this to the Headteacher's PA for retention alongside their written response to the complainant.

### Stage 2: Complaint heard by appropriate senior member of staff appointed by the Headteacher

24. The complainant should write to the Headteacher giving details of either the areas of the complaint left outstanding following Stage 1 or concerning the Stage 1 process. The Headteacher will nominate a senior member of staff to consider these issues, or will escalate the complaint to the Chief Executive where that is appropriate (for instance if the complaint raises issues that affect more than one school within the trust or if the complaint is about a Governor or Trustee). If the complaint is escalated to the Chief Executive, they will nominate a senior member of staff to consider the issues (or the Chair of Governors if a complaint is about a Governor, or another Trustee if the complaint is about a Trustee), and for the remainder of this Stage 2 process and the Stage 3 process, references to the Headteacher would refer to the Chief Executive.
25. The Headteacher may formally reject further investigation of the complaint if, in their judgment, the complaint:
  - Was received too long after the alleged incident for realistic investigation to take place;
  - Does not identify specific actions or incidents that are capable of being investigated;
  - Refers only to issues that have already been determined;
  - Raises only minor matters that should have been resolved in discussion with the staff member involved
  - Is vexatious or abusive (see section 6 for further information).
26. The designated senior member of staff will consider both the original complaint and the process followed during Stage 1.
27. The designated senior member of staff will put their judgement and rationale, including details of the process followed, in writing to the complainant. As well as reasons relating to the subject of the complaint, the senior member of staff may formally reject a complaint for reasons set out in paragraph 25.

28. It is normally expected that the Stage 2 process would be completed within ten school days of the Headteacher initiating Stage 2. If it is clear that the process is going to take longer than this, the reasons for this should be explained to the complainant.
29. If the designated senior member of staff makes any recommendations regarding changes to school processes as a result of the investigation, the Headteacher will be responsible for reviewing these recommendations and implementing them where appropriate. Acceptance of recommendations will be at the Headteacher's discretion unless the investigation reveals processes that do not comply with statutory, Funding Agreement, or DfE/EFA requirements when the Headteacher will be required to ensure compliance as soon as possible.
30. The member of staff should complete the Complaints Form and pass this to the Headteacher's PA for retention alongside their written response to the complainant.

### **Stage 3: Appeal heard by a Complaints Panel**

31. The complainant should write to the appropriate person giving details about the aspects of the decision or the Stage 2 process that they are appealing against. The appropriate person will be the Chair of the Local Governing Body for all complaints except those where the complaint was escalated to the Chief Executive in Stage 2; in those instances, the appropriate person will be the Chair of Trustees. Throughout the remainder of this Stage 3 process, references to the Chair of the Local Governing Body should be read as references to the Chair of Trustees in appropriate cases.
32. The Chair of the Local Governing Body may reject the request for a Panel Hearing if, in their judgment, the request:
  - Is vexatious or abusive; and / or
  - Refers only to issues that have already been reasonably determined and with no reasonable basis (such as new information) upon which an appeal hearing could reach a different decision.
33. The Chair of the Local Governing Body, or a nominated Governor, will convene a Complaints Panel. This Panel will comprise at least three individuals, none of whom will have been directly involved in previous consideration of the complaint. At least one member of the Panel will be independent of the management and running of the school and at least one member of the Panel will be a Governor. The panel will have the powers to determine the complaint. In the unlikely event that more than one session is required to hear the appeal, the individuals on the Panel will remain the same. The Panel members will elect their Chair.
34. Any Governors who were part of the Panel would not be part of any panel that was subsequently required for a disciplinary hearing regarding a member of staff.
35. The appeal should be heard within 10 school days of the Chair of the Local Governing Body receiving notice of the complaint progressing to Stage 3, ensuring that the complainant is given reasonable notice and that reasonable endeavours are made to arrange a time that the complainant can attend. Any documentation from either party should be circulated to all parties five school days before the hearing.
36. The Panel Hearing will be heard in private, provide an opportunity for the complainant and for the Headteacher and / or other staff to present and for all presenters to be questioned by the Panel and the other party (through the Chair). The complainant may be accompanied by a friend / colleague, or by their parents if the complainant is a student.
37. The Panel will, once the presenters have left the hearing, give careful consideration to the substance of the complaint, consider all the views expressed, and decide the outcome. The decision will be made by a simple majority of the Panel; a unanimous decision is not required.

38. The panel can:

- Dismiss the complaint in whole or in part
- Uphold the complaint in whole or in part
- Decide on appropriate action to resolve the complaint; or  Recommend changes to the school's systems or procedures.

39. The decision of the panel is binding. A copy of the report and the findings will be provided within five working days of the hearing to the complainant, the Headteacher, the Chair of the Governing Body, and, where relevant, to the person complained about. This will be available for inspection.

40. If the Complaints Panel makes any recommendations regarding changes to school processes as a result of the investigation, the Headteacher will be responsible for reviewing these recommendations and implementing them where appropriate. Acceptance of recommendations will be at the Headteacher's discretion unless the investigation reveals processes that do not comply with statutory, Funding Agreement, or DfE/EFA requirements when the Headteacher will be required to ensure compliance as soon as possible.

## **5. If a complainant is dissatisfied after Stage 3**

41. If a complainant is dissatisfied after Stage 3, it is possible for the complainant to raise their complaint with Ofsted or the Department for Education:

- Ofsted: Complaints to Ofsted can only be submitted if the school's complaint procedure has already been followed to its conclusion and the complainant remains unsatisfied. Complaints to Ofsted should occur if the complainant believes that the school is not run properly and should be inspected. Ofsted will not consider complaints regarding individual students or admissions.
- Department for Education: Complaints to the Department for Education (DfE) can only be submitted if the school's complaint procedure has already been followed to its conclusion and the complainant remains unsatisfied. Complaints to the DfE should be able to demonstrate that the school has not followed its complaints policy and procedure, or that the school is in breach of its Funding Agreement or other legal obligation, and requires submission of evidence to support the complaint. There is DfE guidance available on the internet outlining the types of complaint that the DfE will consider and how the DfE will act upon receipt of the complaint.

## **6. Vexatious and abusive complaints**

42. Every Child, Every Day Academy Trust takes its responsibilities to investigate concerns and complaints seriously and will do so professionally.

43. Every Child, Every Day Academy Trust does not expect staff to tolerate unacceptable behaviour by complainants, which would include behaviour which is abusive, offensive or threatening.

44. Every Child, Every Day Academy Trust defines unreasonably persistent and vexatious complainants as those complainants who, because of the frequency or nature of their contacts with the school, hinder the ability to investigate their original complaint. The description 'unreasonably persistent' and 'vexatious' may apply separately or jointly to a particular complainant.

45. An unreasonably persistent and/or vexatious complainant may:

- arise from a historic and irreversible decision or incident;
  - have insufficient or no grounds for their complaint, or refuse to specify the grounds for their complaint, and appear to be making the complaint only to annoy or for undeclared reasons;
  - refuse to co-operate with the complaints investigation process;
  - refuse to accept that issues are not within the power of the school or Every Child, Every Day Academy Trust to investigate, change or influence;
  - make what appear to be groundless complaints about the staff dealing with the complaint(s);
  - make an unreasonable number of contacts with the school or Every Child, Every Day Academy Trust, by any means, about the complaint;
  - make persistent and unreasonable demands or expectations of staff and/or the complaints process;
  - harass, abuse, or otherwise seek to intimidate staff dealing with their complaint;
  - raise subsidiary or new issues during the investigation;
  - introduce trivial or irrelevant new information and expect this to be taken into account;
  - change the substance or basis of the complaint without reasonable justification;
  - deny statements he or she made at an earlier stage;
  - electronically record meetings and conversations without the prior knowledge and consent of the other person involved;
  - refuse to accept the outcome of the complaint process after its conclusion and/or denying that an adequate response has been given;
  - make the same complaint repeatedly, perhaps with minor differences, and insist that the minor differences make these 'new' complaints which should be put through the full complaints procedure;
  - persistently approach the school or Every Child, Every Day Academy Trust (and potentially other parties such as the Local Authority) through different routes about the same issue; and
    - combine some or all of these features.
6. If the situation is challenging but it is possible to proceed, staff should avoid giving unrealistic expectations on the outcome of the complaint. In instances where there is a complete breakdown of relations between the complainant and the school, a decision may be made to restrict contact. The options that may be considered include:
- requesting contact in a particular form (e.g. – letters only);
  - requiring contact to take place with a named member of staff (e.g. – Headteacher);
  - asking the complainant to enter into an agreement about his/her future contact with the school; and
  - informing the complainant that if he/she still does not follow this advice (as stated above) any further correspondence that does not present significant new matters or new information will not necessarily be acknowledged, but should be kept on file.
  - if the complainant tries to reopen an issue that has already been examined through the complaints procedure, the Chair of the Governing Body is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

## **7. Responsibilities under the policy**

### **Board of Trustees**

The Board of Trustees is responsible for:

- Establishing the Panel Hearing for Stage 3 in appropriate cases; and
- monitoring the level and nature of complaints and reviewing the outcomes and associated lessons to learn annually (and report to the Board of Trustees as appropriate or as required) or earlier if so determined by the Chair.

### **Chief Executive**

The Chief Executive is responsible for:

- the effective implementation of this policy and procedures;
- where a complaint is escalated to them at Stage 2, identifying who will consider the complaint;
- advising Governors and Trustees about the composition of Panels for Stage 3;
- reporting to the Board of Trustees about the number and nature of complaints, as well as actions taken in response and lessons learned; and
- ensuring that the policy and procedure is monitored and reviewed, with recommendations for revision to the Board of Trustees as appropriate.

### **Local Governing Body**

46. The Local Governing Body is responsible for:

- establishing the Panel Hearing for Stage 3; and
- monitoring the level and nature of complaints and reviewing the outcomes and associated lessons to learn annually (and report to the Board of Trustees as appropriate or as required) or earlier if so determined by the Chair.

47. The Chair of the Local Governing Body is responsible for:

- receiving complaints at Stage 3 of the complaints procedure;
- nominating the individuals for the Panel Hearing in Stage 3 and ensuring that it includes one person who is independent from the management and running of the school; and  checking that the correct procedure is followed.

48. The Chair of the Panel at Stage 3 is responsible for ensuring that:

- the parties understand the procedure;
- the issues are addressed;
- key findings of fact are established;
- complainants are put at ease;
- the hearing is conducted as informally as possible;
- the panel is open-minded and acts independently;
- no member of the panel has a vested interest in the outcome, or has been involved in the issues previously;
- all parties have the chance to be heard;
- any written material is seen by all parties; and
- related Child Protection and Data Protection rules are observed and maintained.

### **Headteacher**

49. The Headteacher is responsible for:

- the overall internal management of the procedures;
- Identifying who will consider complaints at Stage 2 of the procedure, or escalating the complaint to the Chief Executive where appropriate;
- ensuring that the procedures are monitored and reviewed and reports made to the Local Governing Body and / or Board of Trustees as appropriate.

### **Headteacher's PA**

50. To retain, in a confidential manner (except when requested by the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them) the material relating to complaints, including Complaints Forms, all written judgements from stages

1, 2 and 3, and the requests from the complainant to initiate stages 2 and 3, so that they can be made available as appropriate.

**All staff**

51. All staff are responsible for:

- listening to any concerns brought to them by parents and students;
- reassuring them that they will be dealt with as soon as possible by the appropriate member of staff;
- for informing the relevant staff of the concerns being raise; and
- passing any complaints received from other people who are not parents or students to the Headteacher's PA.

## **8. Appendices**

Appendix One: Complaint Form

# Every Child, Every Day Academy Trust: Complaint form

Please complete and return to the Headteacher's PA who will acknowledge receipt and explain what action will be taken.

Your Name:	
Student's Name:	
Your relationship to the student:	
Address:	
Daytime phone number:	
Evening phone number:	
Mobile phone number:	
Please give details of your complaint:	
What action, if any, have you already taken to try and resolve the 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	
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Date	
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**School use only**

Date acknowledgement sent:	
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Who sent acknowledgement:	
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Signature	
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Please complete the following, acknowledge the stages of the complaints procedure that have been followed and make any comments as necessary

Stage 1 (complaint considered by staff)	Date: Signature:
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Stage 2 (complaint considered by senior member of staff)	Date: Signature:
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Stage 3 (Appeal Hearing)	Date: Signature:
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