

Torfield and Saxon Mount Academy Trust



Torfield and Saxon Mount Academy Trust Complaints Policy and Procedure

March 2021

TORFIELD AND SAXON MOUNT ACADEMY TRUST

Complaints Policy and Procedure

The difference between a concern and a complaint:

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

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

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. 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 an informal discussion is enough. Sometimes this will include an informal explanation or even a verbal apology if it is appropriate to do so. In every case our staff will try to understand the concern or complaint being raised and assist in resolving the issue. If you have difficulty discussing a concern with a particular member of staff, we will respect your views and where possible, we will refer you to another staff member. The member of staff may be more senior but does not have to be.

Our policy and who can make a complaint:

Policy:

1. Each school in our trust welcomes feedback. Where someone has a concern or complaint, we will endeavour at all times to deal with the issues responsibly and reasonably and if necessary, put things right as quickly as possible.
2. Most complaints can and will be resolved using informal processes. We understand however, that there are occasions when people would like to raise their concerns formally. In this case, we will attempt to resolve the issue internally, through the stages outlined within this complaints procedure. The policy and procedures set out below are in accordance with the legislation that applies to academies and good practice guidance issued by the Department for Education.
3. Areas excluded from this procedure: Complaints which are covered by other statutory procedures are excluded from this policy. These include but are not limited to exclusions, grievance, admissions and whistleblowing.
5. This complaints policy and procedure has been prepared in accordance with the academies' statutory duties to address complaints by parents. All complaints made by parents will be dealt with in accordance with this policy. Where a complaint is made by an individual or organisation who is not the parent of a pupil on roll at an academy operated by the trust at the time the complaint is made, the trust will usually seek to apply the procedure set out below. However, in those circumstances, the trust may use its discretion to vary the procedure as it deems appropriate and will make clear at the outset to the complainant the process that will be followed.

Stages of the Complaints Procedure:

A concern or complaint can be made in person, in writing, by email or by telephone.

INFORMAL STAGE

Stage 1a Informal discussion with the class teacher or other relevant member of staff usually resulting in resolution of the issue.

Stage 1b Informal discussion with the Head of School or other member of senior staff usually resulting in resolution of the issue.

Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at the formal stages of the procedure.

Action required: The person making a complaint is informed of the action to be taken to resolve the issue. If the issue remains unresolved, the next step is to make a formal complaint.

Further information: The vast majority of concerns and complaints can be resolved informally. There are many occasions where concerns are resolved straight away through the class teacher, subject leader, other support staff, senior leader, other member of staff or the Head of School or Executive Headteacher, depending on whom the parent / complainant first approached and this is preferable for all concerned. Sometimes, after an initial discussion, a follow up informal conversation with a more senior member of staff can be helpful. Although this stage involves dealing with the issue informally the person responding may make a record of the issue or complaint raised, which may include notes of conversations (face to face or over the telephone), and the responses made. The person who raised the issue should be informed of any action taken to resolve the issue. It may sometimes be helpful to confirm undertakings given about future action or monitoring in writing.

FORMAL STAGE

Stage 2 The complaint is submitted, in writing using the form in appendix 1 of this policy, to the Head of School or, if the complaint relates to the Head of School or a decision taken by them, the Executive Head Teacher / CEO. If the complaint is about the Executive Headteacher or a member of the governing body, a suitably skilled governor will be appointed to complete all the actions at Stage 2. If the complaint is jointly about the Chair and / or the entire AAB or the majority of Directors, Stage 2 will be escalated to the CEO of the Trust.

Action required: The Head of School acknowledges receipt within 7 school days, and an investigation into the complaint is conducted by the Head of School or the Executive Headteacher. The Head of School may delegate the investigation to another member of the senior leadership team, but not the decision taken. If the complaint is against the Head of School (or a decision made by them) the investigation at Stage 2 is conducted by the Executive Headteacher. During the investigation, the Head of School may, if necessary, interview those involved in the matter and/or those complained of the Head of school will keep a written record of any meetings/interviews in relation to their investigation. In the absence of extenuating circumstances, the Investigator provides a written response to the complainant usually within 20 school days, including the findings of the investigation and the reasons for those findings. Information will also be provided on how to progress the complaint to stage. This might include offering a further meeting and also providing information about how to raise the complaint at Stage 3. Should this be the case, any further complaint should be made within 10 working days following receipt of the investigator's letter.

Stage 3 The complaint is submitted for review or further investigation, in writing, to the Executive Headteacher/ CEO or Chair of Directors if the complaint is about the Executive Headteacher/ CEO or was previously investigated by the Executive Headteacher/ CEO at stage 2.

Action required: The Executive Headteacher acknowledges receipt within 7 school days, and a further investigation into the complaint may be conducted by them, or a review of the investigation

at Stage 2 may occur. If the complaint is against the Executive Headteacher (or a decision made by them) the investigation is always conducted by the Chair of Directors. In the absence of extenuating circumstances, the Investigator provides a written response to the complainant, usually within 20 school days, including the findings of the investigation and the reasons for those findings. Information will also be provided on how to progress the complaint to stage 4 if the complainant remains unsatisfied. Should this be the case, any further complaint should be made within 10 working days following receipt of the investigator's letter.

Further information about Stage 2 and Stage 3: When making a complaint in writing, it should include information about the reason for the complaint and also what the complainant would like to happen as a result of the complaint. The trust expects complaints to be submitted within six weeks of the incident in question. If a complaint is submitted later, the complainant will be asked to explain why they have not submitted it within the stated period. Additional time can be given in exceptional circumstances. If further clarification in relation to the complaint itself is required, the complainant will be asked to provide this. The investigator may need to meet with the complainant in person.

Stage 4 Complainant writes to the Chair of Directors, requesting that the complaint / review of the complaint is heard by a complaints panel. A request to escalate to Stage 4 must be made to the Clerk, within 10 school days of receipt of the Stage 2 or 3 response.

Action required: The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 7 school days. The Chair arranges for a complaints panel to meet, if possible, between 12 and 20 school days from receipt of letter and will inform the complainant of findings within 5 school days of the hearing. Information is provided on how to contact the Education and skills Funding Agency if required. If the complainant rejects the offer of the proposed date, without good reason, the Clerk will attempt to rearrange for one alternative date. After this, the Chair will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

Further information: Complaints only very rarely reach this formal and final level. The Board of Directors is the accountable body for Torfield and Saxon Mount Academy Trust. Therefore, a panel will usually include at least 2 Directors and up to one member of the relevant Academy Advisory Board. The Chair of the Board would not normally be involved in the panel if they have been involved at the previous stage. In addition, at least one individual who is not a director, governor or member of staff at Torfield or Saxon Mount will be usually appointed as a panel member. This is likely to be a director / trustee from a neighbouring academy trust. The complainant will be advised to provide any documentation they wish the panel to consider 5 days prior to the hearing. The hearing will be minuted and all relevant correspondence and notes will be kept on file by the trust.

The panel will invite the complainant to attend the hearing. In addition, any member of staff or governor who is the subject of the complaint is likely to be invited to attend separately and to provide information to the panel. Legal representatives are not permitted to attend a panel meeting, unless this has been agreed in advance and it is appropriate, for instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by their union representative. The complainant may bring a family member or friend to support them. Representatives from the media are not permitted to attend.

The complainant will be given reasonable notice of the proposed date and time of the hearing. The school will use reasonable endeavours to arrange the panel hearing for a date and time which is suitable for the parents, as well as the panel and the school.

Any written material will be circulated to all parties at least 5 school days before the date of the meeting. The committee will not accept as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded. The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure. The meeting will be held in private. Electronic recordings of meetings or conversations are not

permitted, unless a complainant's own disability requires it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

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

The Chair of the Committee will provide the complainant and the Chair of Directors / CEO with a full explanation of their decision and the reason(s) for it, in writing, within 10 school days. The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled. The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the Trust will take to resolve the complaint. The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing.

Stage 5 Complainant writes to the Education and Skills Funding Agency

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

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

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

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

Withdrawal of a complaint

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

Historical Complaints

Where a complaint is made that concerns a historical action or incident, it will not normally be taken forward. We define historical as more than 3 months ago.

Anonymous Complaints

We will not investigate anonymous complaints, However the Acting CEO, Acting Principal or Chair of Trustees may determine if any further action is required.

Time Scale

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

Unreasonable Complaints

Where a complaint is considered to be vexatious, serial, repetitive or spurious, the investigator will write to the complainant explaining why the complaint is not being taken forward and informing them that they have the right to refer this decision to the Chair of Directors.

Scope of this complaints procedure

This procedure covers all complaints, other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
<ul style="list-style-type: none"> Admissions to schools 	Concerns about admissions should be directed to East Sussex County Council, who are the placing authority.
<ul style="list-style-type: none"> Matters likely to require a Child Protection Investigation 	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.
<ul style="list-style-type: none"> Exclusion of children from school* 	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions . <i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure.</i>
<ul style="list-style-type: none"> Whistleblowing 	We have an internal whistleblowing procedure for all our employees and contractors. The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus . You may also be able to complain direct to the LA or the Department for Education, depending on the substance of your complaint.
<ul style="list-style-type: none"> Staff grievances 	Complaints from staff will be dealt with under the school's internal grievance procedures.
<ul style="list-style-type: none"> Staff conduct 	Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.

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

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

This policy is monitored on a day-to-day basis by the Executive Headteacher, who reports to governors about the effectiveness of the policy on request.

This policy was approved by the Board of Directors.

Signed by:

Chair of Directors

Date.....

Executive Headteacher.....

Date.....

Appendix 1

**TORFIELD AND SAXON MOUNT ACADEMY TRUST
COMPLAINT FORM**

Please complete this form and return it to the relevant Head of School. If the complaint is about the Head of school, please return it to the Executive Headteacher. If the complaint is about the Executive Headteacher, please return it to the Chair of the board of directors.

Your name:

Pupil's name:

Your relationship to the pupil:

Please provide your contact address, email address and daytime and evening phone numbers:

Please provide details of your complaint, including whether you have spoken to anybody at the school about it or taken any other actions:

What actions do you think might resolve the problem at this stage:

Are you attaching any paperwork? If so please give details:

Signature:

Date:

Appendix 2:

Roles and Responsibilities

Complainant

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the school in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality.

Investigator

The investigator's role is to establish the facts relevant to the complaint by:

- providing a thorough, open, transparent and fair consideration of the complaint by:
 - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
 - interviewing staff and children/young people and other people relevant to the complaint
 - consideration of records and other relevant information
 - analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely
- be mindful of the timescales to respond
- prepare a comprehensive report for the relevant parties that sets out the facts, identifies solutions and recommends courses of action to resolve problems.
- The lead person will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

Complaints Co-ordinator

(this could be the head of school or CEO / designated complaints governor or trustee or other staff member providing administrative support)

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, head of school, CEO, Chair of Governors, Chair of Trust or the Clerk and to ensure the smooth running of the complaints procedure
- be aware of issues regarding:
 - sharing third party information
 - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- keep records.

Clerk to the Governing Body / Trust Board

The Clerk is the contact point for the complainant (they may be the complaint coordinator) and the committee and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example: stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the committee's decision.

Committee Chair

The committee's chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the committee is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality

or any individual's rights to privacy under the DPA 2018 or GDPR.

If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting

- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the committee is open-minded and acts independently
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Clerk (and complaints co-ordinator, if they are different).

Committee Member

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant

No governor / trustee may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.

We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.

- many complainants will feel nervous and inhibited in a formal setting
- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting

Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.

If the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint.

The parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests.

- the welfare of the child/young person is paramount.