



## Trinity Academy Halifax

<b>Policy:</b>	Complaints Policy for parents/carers and other stakeholders
<b>Date of review:</b>	May 2018
<b>Date of next review:</b>	May 2021
<b>Lead professional:</b>	HR Manager
<b>Status:</b>	Statutory

**Name and role of nominated member of staff:** Dianne Alcock, Principal's PA  
*(Referred to as Complaints Coordinator in this document)*

## 1. Purpose of policy and guiding principles

- 1.1. This policy is intended as a good practice guide applying to most general complaints which the academy is likely to receive from parents, carers and other stakeholders that use academy facilities or services.
- 1.2. The academy is committed to resolving any complaints at the earliest possible stage and the purpose of this policy is to address and resolve concerns and complaints. The aim of this complaints procedure is to:
  - encourage resolution of problems by informal means, wherever possible
  - be easily accessible and publicised
  - be simple to understand and use
  - be impartial and non-adversarial
  - allow swift handling with established time-limits for action and keeping people informed of the progress
  - ensure a full and fair investigation by an independent person, where necessary
  - respect confidentiality
  - address the concerns raised and provide an effective response and appropriate redress, where necessary
  - provide information to senior leaders about where improvements can be made
- 1.3. For ease of reference a flow chart can be found in **Appendix 1**, which details the procedure for handling concerns and complaints.
- 1.4. There are separate procedures for complaints about:
  - the provision of religious education and collective worship
  - the Local Authority's special needs assessments
  - financial improprieties
  - alleged criminal activities
  - employment issues
  - exclusions and admission processes
- 1.5. **Appendix 5** details exceptions to this Complaints Policy for which there are separate procedures.

## 2. Links with other policies or legislation

- 2.1. The Education, Funding and Skills Agency (EFSA) handles complaints about open academies and free schools. Before submitting a complaint to them, a complaint must be made directly to the relevant academy.
- 2.2. The academy must make available on request a procedure for dealing with complaints from parents of pupils. This procedure must comply with The Education (Independent School Standards) Regulations 2014.
- 2.3. Academies may choose to handle complaints from those who are not parents of pupils at the academy differently.
- 2.4. The academy is required to comply with their obligations under the Equality Act 2010, Data Protection Act 2018 and Freedom of Information Act 2000.

Please refer to the EFA publication and guidance "Procedure for dealing with complaints about academies 2016".

## 3. Raising a concern; Guidelines for dealing with concerns and complaints informally

- 3.1. The vast majority of concerns and complaints can be resolved informally. It is in everyone's interest to resolve complaints at the earliest possible stage. There are many occasions where concerns are resolved straight away through speaking to the class teacher, Tutor, College Manager, Pastoral Manager, Senior Leader, and Principal's PA etc.
- 3.2. All stakeholders, particularly parents must feel able to raise a concern with members of staff without any formality, either in person, by telephone or in writing. At first it may be unclear whether the complainant is asking a question or expressing an opinion, rather than making a

complaint. It may also be appropriate for someone to act on behalf of the person raising a complaint and it may be in everyone's interest to have a preliminary discussion about an issue to help decide whether he or she wishes to take it further.

- 3.3. The academy will seek to ask the complainant at the earliest stage what they think might resolve the issue in order to find a satisfactory outcome for all parties.
- 3.4. The normal response time for an initial response or acknowledgement is within 24 hours. Where this is not possible, an explanation must be given for the reason for delay.
- 3.5. Members of staff dealing with these concerns should record the nature of the concern and steps taken to resolve it.
- 3.6. If the parent is not satisfied by the actions taken to resolve the issue at this informal stage they should follow the formal complaints process.

#### **4. Formal complaints**

- 4.1. It is in everyone's interest that complaints are resolved at the earliest possible stage. The academy has a four stage formal complaint process shown in **Appendix 1**.
- 4.2. As the Principal has responsibility for the day-to-day running of the academy they have responsibility for the implementation of a complaints system, including the decisions about their own involvement at various stages. One of the reasons for having various "stages" in a complaints procedure is to reassure complainants that their grievance is being heard by more than one person.
- 4.3. The Principal will make arrangements to ensure that their involvement will not predominate at every stage of a particular complaint. If s/he is involved at stage 1, then stage 2 should be carried out by another senior leader.
- 4.4. The nominated complaints co-ordinator is shown on the front page of this policy. Their job is to monitor and record the outcomes of complaints
- 4.5. Stage 1 – Complaint heard by a member of staff
  - 4.5.1. Complainants have an opportunity for discussion about their concern with the appropriate member of staff (e.g. class teacher, College Manager, Senior Leader, or Principal's PA) who clarifies the nature of the concern, and will reassure them that the academy wants to hear about it. The member of staff may be able to resolve the complaint by explaining how the situation happened. It can be helpful to identify at this point what sort of outcome the complainant is seeking.
  - 4.5.2. If the member of staff first contacted cannot immediately deal with the matter, s/he should make a clear note of the date, name, contact address and/or phone number.
  - 4.5.3. Any member of staff will know how to refer, if necessary, to the person with responsibility for the particular issue raised. S/he will check later to make sure the referral has been successful.
  - 4.5.4. On certain major issues, the Principal may decide to deal with concerns directly at this stage.
  - 4.5.5. If the concern relates to the Principal and is not resolved at this stage it will escalate to stage 2 and the Chair of Governors and/or Executive Principal will be involved.
  - 4.5.6. The staff member dealing with the concern makes sure that the complainant is clear what action (if any) or monitoring of the situation has been agreed, putting this in writing only if this seems the best way of making things clear.
  - 4.5.7. Where no satisfactory solution has been found within 10 academy days, parents are asked if they wish their concern to be considered further. If so they are given clear information, both orally and in writing, about how to proceed and about any independent advice available to them.
- 4.6. Stage 2 – Complaint heard by a Senior Leader
  - 4.6.1. At this stage it has become clear that the concern is a definite complaint and the complainant should confirm this in writing to the Principal. The Principal will then allocate a Vice Principal, or other member of senior leadership, to respond and the complaints co-ordinator will monitor the situation and keep them informed.

- 4.6.2. The process at Stage 2, with more information on who will be involved and timescales, is included in **Appendix 2**.
- 4.6.3. If a complaint is against the action of a Vice Principal, the Principal will investigate.
- 4.7. Stage 3 – Complaint investigated by the Principal and the Chair of Governors is made aware
  - 4.7.1. At this stage the complaint has not been resolved by the appointed senior leader, the Principal will now fully investigate the matter; they will also make the Chair of Governors aware of the complaint.
  - 4.7.2. The process at Stage 3 with more information on who will be involved and time scales is included in **Appendix 3**.
  - 4.7.3. If the complaint is against the Principal, the Executive Principal and/or Chair of Governing body will lead the investigation.
- 4.8. Stage 4 – Complaint heard by Governing Body Appeal Panel
  - 4.8.1. If the complainant indicates in writing that they wish to appeal against the outcome of the investigation into their complaint, this is referred to an appeal panel.
  - 4.8.2. It is important that this review is unprejudiced and impartial; therefore no Governor may sit on the Panel if they have had prior involvement with the complaint. The review is the last stage of the internal complaints process and is not there to merely rubber stamp previous decisions. Therefore, individual complaints should not be considered by the full Governing Body as serious conflicts of interest can arise; for example in exceptional circumstances a complaint may result in disciplinary action against a member of staff, and Governors may be required to give an unprejudiced hearing to an appeal by the member of staff concerned. Similarly some Governors might have knowledge of the problem which led to the complaint and would be unable to give unbiased consideration to the issue.
  - 4.8.3. Many complaints are inevitably seen by parents as being “against” a particular member of staff and their actions. However, all complaints that reach this stage will have done so because the complainant has not been satisfied at the earlier stages of the procedure. Therefore, it may be appropriate for the Governing Body to consider that the complaint is against the academy rather than against the member of staff whose actions led to the original complaint.
  - 4.8.4. The process at Stage 4, with more information on who will be involved and timescales included in **Appendix 4**.

## **5. Serial and Persistent Complaints**

- 5.1. The majority of people pursue their complaints about the academy in a way that is reasonable. This means that they treat others with courtesy and respect and, recognising the time constraints under which members of staff work, allow the academy a reasonable time to respond to a complaint.
- 5.2. However, occasionally, despite all stages of the procedure having been followed, the complainant remains unhappy. It may be that the academy was not able to resolve all aspects of their complaint and, instead of moving on, the complainant repeatedly tries to re-open the same issue. It is a poor use of the academy’s time and resources to make substantially the same points.
- 5.3. If the correspondence or complaint is viewed as ‘serial’ or ‘persistent’, the academy may choose not to respond provided that the complainant has completed the procedure. The Chair of Governors may inform them in writing that the procedures have been exhausted and the matter is now closed. There will be no obligation on the part of the academy to respond unless the complainant raises an entirely new, separate complaint which must be responded to in accordance with the complaints procedure and treated on its own merits. The academy will need to adopt a proportionate approach and should not stop responding just because an individual is difficult to deal with or asks complex questions.

## **6. Physical or verbal aggression**

- 6.1. On rare occasions, the unreasonable behaviour of a complainant can pose a threat to the academy community. This can occur either while a complaint is being investigated or once the investigation has finished. If this occurs, a warning letter to the complainant threatening to ban them from the premises should help to deter any abusive or aggressive behaviour. In the most extreme cases, it may be necessary to impose an actual ban on the person; if this is the case the academy will seek legal advice on the process.
- 6.2. The academy reserves the right to contact the Police to report extreme behaviour of an individual.

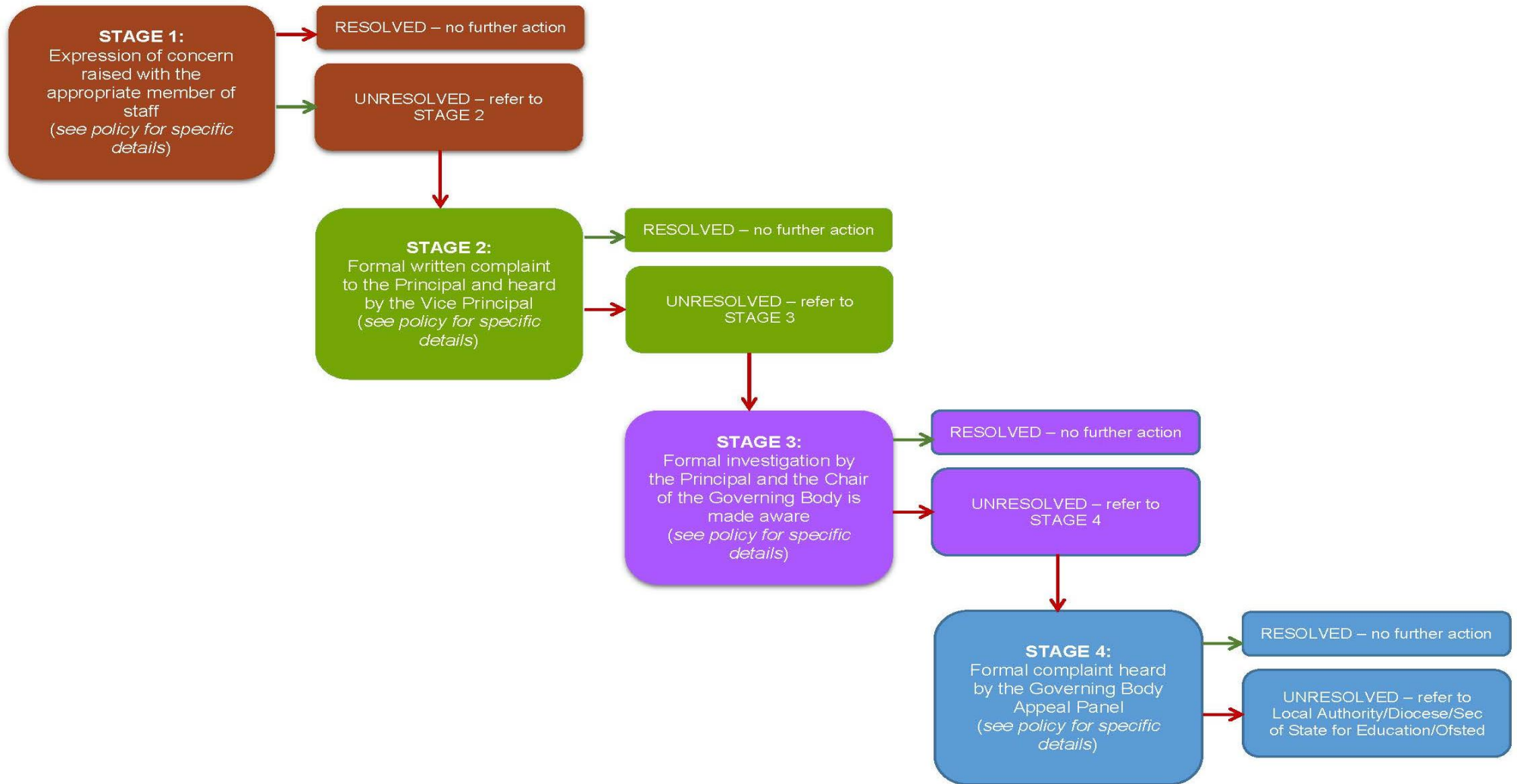
## **7. Roles and responsibilities**

- 7.1. The role of the Principal
  - 7.1.1. The Principal will ensure that staff are familiar with this policy and receive appropriate training in complaint handling and ensure the smooth running of the procedure.
  - 7.1.2. The Principal will assign a member of Senior Leadership to deal with formal complaints.
  - 7.1.3. The Principal will ensure that the complainant is fully updated at each stage of the procedure.
- 7.2. The role of the Governing Body
  - 7.2.1. The Governing Body will monitor complaints (nature and level) to review any improvements to current academy processes or systems.
  - 7.2.2. The Governing Body will convene an appeal panel for complaints under Stage 4 of the policy.
  - 7.2.3. The chair of the appeal panel will ensure that the hearing is conducted in an informal manner with all parties treated with respect and courtesy.
- 7.3. The role of the employee/other staff
  - 7.3.1. All staff should deal with complaints, queries or concerns from parents in a professional manner and in line with the timescales of this policy.
  - 7.3.2. All staff will seek to resolve the complaint at the earliest possible stage.
  - 7.3.3. The senior leader appointed to investigate a complaint will provide a comprehensive, transparent and fair consideration of the complaint.
  - 7.3.4. The investigator will hold professional interviews, keep accurate records, and keep an open mind when analysing information and responding to the complainant.
  - 7.3.5. The complaints coordinator will keep a complaints log to record formal complaints.
  - 7.3.6. The complaints coordinator will convene a Governor's panel and communicate information to all parties at Stage 4 of the process.

## **8. Monitoring and Evaluation**

- 8.1. The Governing Body will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. Complaints information shared with the whole Governing Body will not name individuals.
- 8.2. As well as addressing an individual's complaints, the process of listening to and resolving complaints will contribute to academy improvement. When individual complaints are heard, the academy may identify underlying issues that need to be addressed. The monitoring and review of complaints by the academy and the Governing Body can be a useful tool in evaluating the academy's performance.

**Appendix 1 – Flowchart detailing the procedure for handling concerns and complaints**



## Appendix 2 - Procedure at Stage 2

1. The complaints coordinator acknowledges the complaint orally, or in writing, within three academy days of receiving confirmation that the complaint is now to be dealt with at stage 2. The acknowledgement will confirm which Vice Principal (or member of senior leadership) the Principal has delegated to investigate the complaint. The complainant will also be provided with a copy of the complaints policy and a target date for providing a response to the complaint. This should normally be within 10 academy days; if this proves impossible, the complainant will be contacted by the complaints coordinator who will offer an explanation for the delay and give a revised date for a response.
2. The appointed senior leader will contact the complainant either verbally or in writing to provide an opportunity for the complainant to meet him/her to supplement information provided previously. It is made clear to the complainant that if s/he wishes, s/he may be accompanied to any meeting by a friend, relative, representative, or advocate who can speak on his or her behalf; and that interpreting facilities are available if needed.
3. If necessary, the senior leader should interview witnesses and take statements from those involved. If the complaint centres on a student, the student should also be interviewed. Students would normally be interviewed with parents/guardians present. In some situations circumstances may prevent this e.g. where this would seriously delay the investigation of a serious/urgent complaint or where particular circumstances mean that a student has specifically said s/he would prefer that parent/guardians were not involved. In such circumstances another member of staff with whom the student feels comfortable may be asked to attend. If a member of staff is complained against, the needs of that person should be borne in mind.
4. The senior leader keeps written records of meetings, telephone conversations, and other documentation. Once all the relevant facts have been established, they will produce a written response to the complainant to discuss/resolve the matter. This may be by letter or email.
5. A written response includes a full explanation of the decision and the reasons for it. Where appropriate, this includes what action the academy will take to resolve the complaint. The complainant is advised that should s/he wish to take the complaint further s/he should notify the Principal within two calendar weeks of receiving the outcome letter.

### **Appendix 3 - Procedure at Stage 3**

Upon receipt of a written request by the complainant for the complaint to proceed to stage 3, the procedures outlined below should be followed:

1. The complaints coordinator should write to the complainant within three academy days to acknowledge receipt of the written request. It will also advise on the likely time scale of the Principal's response to the complainant (normally 10 days).
2. The complaints coordinator will arrange a meeting (verbally or in writing) with the complainant.
3. In preparation for the meeting the Principal will look at all the findings from stage 2 and will evaluate as to whether a thorough investigation has been conducted.
4. They may wish to investigate certain areas of the complaint and gather further evidence.
5. In the meeting with the complainant the Principal will establish; what outcome they wish to achieve, why they were not happy with the outcome at Stage 2 and take any additional evidence that may be available.
6. The Principal will keep written records of meetings, telephone conversations, and other documentation. Once all the relevant facts have been established, the Principal should then produce a written response to the complainant to discuss/resolve the matter.
7. A written response includes a full explanation of the decision and the reasons for it. Where appropriate, this includes what action the academy will take to resolve the complaint. The complainant is advised that should s/he wish to take the complaint further s/he should notify the Chair of Governors (via the complaints coordinator) within two calendar weeks of receiving the outcome letter.



## Appendix 4 - Procedure at Stage 4

Upon receipt of a written request by the complainant for the complaint to proceed to stage 4, the procedures outlined below should be followed:

1. The complaints coordinator should write to the complainant within three academy days to acknowledge receipt of the written request. The acknowledgement should inform the complainant that the complaint is to be heard, within 20 academy days of receiving the complaint. The letter should also explain that the complainant has the right to submit any further documents relevant to the complaint. These must be received in time for the documents to be sent to the three members of the Panel.
2. The complaints coordinator will arrange to convene a Complaints Panel. The panel members should include two governors and one independent panel member. All panel members should have had no prior involvement with the complaint. The Chair or Vice-Chair of the Governing Body should chair the panel. If s/he has previously been involved, a Chair must be elected for this purpose. It is not appropriate for the Principal to have a place on the Panel. The Panel will want to bear in mind the advantages of having a parent (who is also a Governor) on the Panel. The Panel will also be sensitive to equality issues. Where a panel cannot be formed with two governors who have not previously been involved in the complaint, the trust may use Governors or Directors from across the trust to form an appeal panel. This is in the interests of impartiality.
3. The Chair of the Panel will ensure that the complaint is heard by the Panel within 20 academy days of receiving the letter. All relevant correspondence regarding the complaint should be given to each Panel member when the composition of the Panel is confirmed.
4. The Chair of the Panel will write and inform the complainant, Principal, any relevant witnesses and members of the Panel at least five academy days in advance, of the date, time and place of the meeting. The notification to the complainant should also inform him/her of the right to be accompanied to the meeting by a friend/advocate/interpreter. The letter will also explain how the meeting will be conducted.
5. The Chair of the Panel should invite the Principal (or other senior leader who responded to the complaint at Stage 2), to attend the Panel meeting and prepare a written report for the Panel in response to the complaint. The senior leader may also invite members of staff directly involved in matters raised by the complainant to respond in writing, or in person, to the complaint. Any relevant documents including the Principal's report should be received by all concerned, including the complainant, at least five academy days prior to the meeting.
6. The involvement of staff other than the Principal is subject to the discretion of the Chair of the Panel.
7. It is the responsibility of the Clerk to the Panel, usually the Principal's PA or appropriate senior administrator to ensure that the meeting is properly recorded.
8. The aim of the meeting should be to resolve the complaint and achieve reconciliation between the academy and the complainant. However, it has to be recognised that sometimes it may only be possible to establish facts and make recommendations which will satisfy the complainant that his or her complaint has at least been taken seriously.
9. The Panel should remember that many complainants, particularly parents are unused to dealing with groups of people in formal situations and may feel inhibited when speaking to the Panel. It is therefore recommended that the Chair of the Panel ensures the proceedings are as informal as possible.

10. If either party wishes to introduce previously undisclosed evidence or witnesses, it is in the interests of natural justice to adjourn the meeting so that the other side has time to consider and respond to the new evidence.
11. The meeting should allow for:
  - the complainant to explain their complaint
  - the Panel to question the complainant
  - the Principal to explain the academy's response
  - the Panel to question the Principal and/or other
  - members of staff about the academy's response
  - any party to have the right to call witnesses (subject to the approval of the Chair)
  - final statements by both the complainant and the Principal
12. The Chair of the Panel will explain to all concerned that the Panel will now consider its decision, and a written decision will be sent to both parties within 15 academy days.
13. The Panel will then consider the complaint and all the evidence presented and (a) reach a unanimous, or at least a majority, decision on the complaint and (b) decide upon the appropriate action to be taken to resolve the complaint and (c) where appropriate, suggest recommended changes to the academy's systems or procedures to ensure that problems of a similar nature do not happen again.
14. The written statement outlining the decision of the Panel must be sent to the complainant and Principal. The letter to the complainant should explain whether a further external appeal can be made, and if so, to whom.
15. The academy should ensure that a copy of all correspondence and notes are kept. These records should be kept separately from the student's personal records.

} At this stage it is generally more acceptable to see the Principal and complainant separately

## Appendix 5

This complaints policy covers all complaints about any provision of facilities or services that the academy provides with the exceptions listed below, for which there are separate (statutory) procedures.

<b>Exceptions</b>	<b>Who to contact</b>
<ul style="list-style-type: none"><li>• Admissions to school</li><li>• Statutory assessments of Special Educational Needs (SEN)</li><li>• School re-organisation proposals</li><li>• Matters likely to require a Child Protection Investigation</li></ul>	Concerns should be raised direct with local authorities (LA). For school admissions, it will depend on who is the admission authority (either the school or the LA). Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman
<ul style="list-style-type: none"><li>• Exclusion of children from school</li></ul>	Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/schooldiscipline-exclusions/exclusions">www.gov.uk/schooldiscipline-exclusions/exclusions</a>
<ul style="list-style-type: none"><li>• Whistleblowing</li></ul>	There is a whistleblowing procedure for employees and volunteers. Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, via email at: <a href="mailto:whistleblowing@ofsted.gov.uk">whistleblowing@ofsted.gov.uk</a>
<ul style="list-style-type: none"><li>• Staff grievances and disciplinary procedures</li></ul>	These matters will be dealt with under the trust's employment policies.
<ul style="list-style-type: none"><li>• Complaints about services provided by other providers who may use school premises or facilities.</li></ul>	Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.