



Complaints Policy

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Author (name and job title):		Sue Crowe	
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1. Purpose

This procedure has been produced as a result of the legal obligations and duties placed on academy schools in relation to the standards set out in the [Education \(Independent School Standards \(England\) Regulations 2014](#) Schedule 1, Part 7. This does not limit complainants to parents or carers of pupils registered at a school. A complainant could be a member of the wider community or representing an ex-pupil. The law also requires the procedure to be publicised.

The governing body of each school within Ad Astra Academy Trust should ensure that any third party providers offering community facilities or services through the school premises, or using school facilities, have their own complaints procedure in place.

2. Dealing with complaints – initial concerns

As a school it should be distinguished as soon as possible if the complaint is actually a complaint or a concern. All staff are advised to take informal concerns seriously at the earliest stage as this should reduce the numbers that develop into formal complaints.

Although a formal complaints policy is a legal requirement, its existence should not undermine efforts to resolve the concern informally and in most cases the class teacher or the person first receiving the approach is often able to resolve concerns ‘on the spot.’ However, formal complaints should always follow the complaints procedure.

3. 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.

The Headteacher is responsible for the operation and management of the school complaints procedure.

All formal complaints must be made in writing using the complaints form. It is acknowledged however that some complainants may find it difficult to complete the formal written form and in these circumstances all assistance will be offered to ensure that the complainant is fully supported through this process.

4. Framework of Principles

Schools within Ad Astra recognise that an effective complaints procedure will;

- encourage resolution of problems by informal means wherever possible;
- be easily accessible and publicised;
- be simple to understand and use;
- be impartial;
- be 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 people’s desire for confidentiality;
- address all the points at issue and provide an effective response and appropriate redress, where necessary;
- provide information to the school’s senior management team so that services can be improved.

5. Investigating complaints

The Complaints Coordinator will

- 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;
- keep notes of the interview or arrange for an independent note taker to record minutes of the meeting.

The complaints coordinator role will be undertaken by the Headteacher of each school unless they delegate this responsibility to another person. In this case the complaints coordinator will be required to notify the Headteacher of the progress and outcome of the complaint. If the complaint relates to the Headteacher then this role will be undertaken by the CEO of Ad Astra Academy Trust.

6. Resolving complaints

At each stage in the procedure the school should always take into consideration ways in which a complaint can be resolved and accept that it might be sufficient to acknowledge that the complaint is valid in whole or in part.

- In addition, it should be considered whether it is 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 school policies in light of the complaint.

Complainants should also 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.

The person handling the complaint should identify areas of agreement between the parties and also clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

7. Vexatious Complaints

One outcome from the application of this policy is to limit the number of complaints that become protracted. However, there may 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 Trust board should inform them in writing that the procedure has been exhausted and that the matter is now closed. If the complainant writes again on the same issue, then the correspondence may be recognised as vexatious and there will be no obligation on the part of the school to respond.

It is important to note however that, should a complainant raise an entirely new, separate complaint, it must be responded to in accordance with the complaints procedure. It is not the complainant who is vexatious; it is the correspondence.

Schools reserve the right not to consider complaints that;

- are malicious (that is, they are instituted without sufficient grounds and serving only to cause annoyance)
- use obscenities, racist or homophobic language
- contain personally offensive remarks about members of our staff
- are repeatedly submitted with only minor differences after we have fully addressed the complaint

7.1

7.2 When a school may stop responding to a complaint

The decision to stop responding should never be taken lightly. The school can do this if the following apply;

- The school has taken every reasonable step to address the complainant's needs;
- The complainant has been given a clear statement of the school's position and their options (if any); and
- The complainant is contacting the school repeatedly but making substantially the same points each time.

The case is stronger if the following applies;

- The school has reason to believe the individual is contacting them with the intention of causing disruption or inconvenience - have they actually said as much in a letter, email or telephone call?
- Their letters/emails/telephone calls are often or always abusive or aggressive.
- They make insulting personal comments about or threats towards staff.

Schools must provide parents with the information they are entitled to under The Education (Pupil Information) (England) Regulations 2005. However, where an individual's behaviour is causing a significant level of disruption schools may wish to implement a tailored communications strategy such as restricting them to a single point of contact via an email address or by limiting the number of times they make contact; e.g. a fixed number of contacts per term.

A school needs to ensure that they are acting reasonably and that any genuine complaint can still be heard. If school staff find it difficult to deal direct with a complainant because of their unreasonable behaviour and other strategies are not working, they may be able to approach another Headteacher in the Trust to ask for assistance. If this is agreed, complainants can be advised not to contact the school, but to communicate instead with the designated Headteacher who will co-ordinate any response.

Complainants who may have been restricted in their communications with the school can also be advised to ask a third party to act on their behalf, such as the local Citizen's Advice Bureau.

Ultimately, if a complainant persists to the point that the school considers it to constitute harassment, legal advice should be sought as to the next steps. In some cases, injunctions and other court orders have been issued to complainants because of their behaviours.

8. Cut-off Limits

Ad Astra Academy Trust expects parents to make a complaint as soon as possible after an incident arises but accept there may be good reasons why a parent has not made a complaint earlier (e.g. they were gathering further information to support their complaint or they were not fully aware of the implications of an incident

until a later date). The policy of the Trust is that any complaint should be lodged within ten working days of the incident occurring however may consider exceptional circumstances depending on the nature of the complaint.

9. The stages of the complaint

9.1 Stage 1 (informal): complaint heard by staff member

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. The purpose of this procedure is to make staff aware of what to do when they receive a complaint. It is expected that this stage of the complaint will be resolved within ten working days of the complaint being received.

In order to assist this procedure the school should 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 complaints co-ordinator will refer the complainant to another staff member. Where the complaint concerns the headteacher, the complaints co-ordinator will refer the complainant to the CEO of the Trust who will consider it in conjunction with the Chair of Governors of the relevant school (stage 3).

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the Headteacher or complaints co-ordinator 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 or a trustee, the governor or trustee concerned will refer the complainant to the appropriate person and advise them about the procedure. Governors and trustees will 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 committee at a later stage of the procedure.

If it becomes clear that the complaint is unlikely to be resolved informally then either party can escalate the complaint to stage 2

9.2 Stage 2 (formal): complaint heard by Headteacher

The complainant may be dissatisfied with the way the complaint was handled at stage one as well as pursuing their initial complaint. If this is the case the next stage in this procedure is to refer the complaint to the Headteacher. The Headteacher may delegate the task of investigating the complaint and collating the information to another staff member but the decision on the action to be taken will be the responsibility of the Headteacher.

At this stage the complainant should receive a written acknowledgement letter within five days of the complaint being received by the Headteacher. This should set out clearly the timescale for the complaint to be heard. It is expected that this will be undertaken within 10 working days of the complaint being received. Sometimes this timescale will need to be extended and if this is the case the complainant should receive written confirmation of this with details of the revised timescale.

If the complainant remains dissatisfied with the decision of the Headteacher then they will be advised regarding escalating the complaint to stage 3.

9.3 Stage 3 (formal): complaint heard by Chair of the Local Governing Body

If the complainant is not satisfied with the decision of the Headteacher or the complaint is about the Headteacher, the complainant will be advised to write to the Chair of the Local Governing Body to request that their complaint is considered further.

Timescales for this stage are in line with those specified at stage 2. The complainant will be informed if there is any necessary deviation from these along with the revised timescale.

If the complainant remains dissatisfied with the decision of the Chair of the Local Governing Body then they will be advised regarding escalating the complaint to stage 4.

9.4 Stage 4 (formal): complaint heard by the Chief Executive Officer of the Trust

If the complainant is not satisfied with the decision of the Headteacher or the Chair of the Local Governing Body, the complainant will be advised to write to the Chief Executive Officer of Ad Astra Academy Trust to request that their complaint is considered further.

Timescales for this stage are in line with those specified at stage 2. The complainant will be informed if there is any necessary deviation from these along with the revised timescale.

If the complainant remains dissatisfied with the decision of the Chief Executive Officer then they will be advised regarding escalating the complaint to stage 5.

9.5 Stage 5 (formal): complaint heard by Hearing Committee of the Trust Board

The complainant will be required to write to the Head of Operations of the Academy Trust giving details of the complaint and asking that it is put before the hearing committee. The Chair of the Academy Trust, or if the Chair has been involved at any previous stage in the process, a nominated governor, will convene a hearing committee.

The Trustee hearing is the last Trust-based stage of the complaints process and is not convened merely to rubber-stamp previous decisions.

Individual complaints will not be heard by the whole Trust board at any stage, as this could compromise the impartiality of any committee set up for a disciplinary hearing against a member of staff following a serious complaint.

The Trust board should nominate three members with delegated powers to hear complaints at this stage ensuring that there is at least one independent member to the school to which the complaint relates, and set out its terms of reference. The committee will select its own Chair. The committee will be responsible for

- drawing up its procedures;
- hearing individual complaint appeals;
- making recommendations on policy as a result of complaints

A written acknowledgement of the complaint will be sent to the complainant within 5 working days. The complaint will be heard by the hearing committee within 20 working days.

9.6 The remit of the Hearing Committee

The hearing committee 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 school's systems or procedures to ensure that problems of a similar nature do not recur.

Trustees on the hearing committee agree that;

1. It is important that the complaint hearing is independent and impartial and that it is seen to be so.
2. No trustee may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the committee, the Trust board should ensure that there is a cross-section of the categories of Trustee and be sensitive to the issues of race, gender and religious affiliation.
3. The aim of the hearing, which needs to be held in private, should always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
4. An effective committee should acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The committee Chair should ensure that the proceedings are as welcoming as possible. The layout of the room should set the tone and care is needed to ensure the setting is informal and not adversarial.
5. Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The committee needs to be aware of the views of the child and will give them equal consideration to those of adults. Where the child's parent is the complainant, the parent will be given the opportunity to say which parts of the hearing, if any, the child needs to attend.
6. The trustees sitting on the committee need to be aware of the complaints procedure.

10. Roles and responsibilities

10.1 The role of the clerk

Any meeting of the hearing committee considering a complaint should be clerked. The clerk would be the contact point for the complainant and be 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 (recommended at least five school days in advance);
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the committee's decision.

As best practice, the Clerk should share copies of the committee meeting minutes with all parties involved in the committee hearing, providing a reasonable opportunity for the minutes to be agreed and if necessary, challenged.

10.2 The role of the Chair of the Trust or the nominated trustee

The nominated trustee role will

- Check that the correct procedure has been followed;
- If a hearing is requested, notify the clerk to arrange the committee.

10.3 The role of the Chair of the Committee

The Chair of the hearing committee has a key role, ensuring that

- the remit of the committee 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 committee is open minded and acting independently;
- no member of the committee has a vested interest in the outcome of the proceedings or 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. If a new issue arises all parties will be given the opportunity to consider and comment on it.

11. Notification of the committee's decision

The Chair of the hearing committee should ensure that the complainant is notified of the committee's decision, in writing, with the committee's response (including the reasons for the decision); within ten working days. The letter should explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

Stage Six – Complaint referred to the Education Funding Agency

If a complaint has been through all the stages of the Trust's complaints procedure but the complainant remains dissatisfied, they can ask the Education Funding Agency (EFA) to review the handling of the complaint.

Further information about referring the handling of a complaint to the EFA can be found at;

The complaints about academies page on the Department for Education website (press control and click the hyperlink below);

[Academy Complaint Form - EFA](#)

Write to Academies Central Unit (Academy Complaints), Education Funding Agency, Earlsdon Park, 53-55 Butts Road, Coventry, CV1 3BH

Telephone the Department's Public Communications Unit on 0370 000 2288

12. What will the EFA (Education Funding Agency) do?

The EFA will look at complaints about academies that fall into the following areas;

- undue delay or non-compliance with an academy's own complaints procedure
- an academy's failure to comply with a duty imposed on it under its funding agreement with the Secretary of State
- an academy's failure to comply with any other legal obligation, unless there is another organisation better placed to consider the matter as set out in the next section

The EFA will not investigate complaints that are, for example;

- About the quality of education or leadership, or concerns affecting the school as a whole. These should be raised with Ofsted
- About discrimination. These should be raised with the Equality Advisory Support Service
- About data protection. These should be raised with the Information Commissioner's Office
- About exam malpractice or maladministration. These should be raised with the Office of Qualifications and Examinations Regulation (Ofqual) and relevant awarding body
- About criminal behaviour. These should be raised with the police
- about any matter which is, or has been, subject to legal action
- About employment matters. These should be raised through the academy's grievance procedure, or taken to an Employment Tribunal
- About child protection. These should be taken up with the relevant local authority designated officer (LADO) and/or the Director of Children's Services
- about a child or young person's Statement of Special Educational Need where there is another route of appeal, for example the First Tier Tribunal (Special Educational Needs and Disability) Service formerly the Special Educational Needs and Disability Tribunal (SENDIST)

The EFA will not consider complaints more than 12 months after a decision or action is taken. The only exceptions will be if the delay in sending the complaint to them was unavoidable or if there is evidence that the academy is not currently complying with legal requirements.

The EFA reserve the right not to consider complaints that;

- are malicious (that is, they are instituted without sufficient grounds and serving only to cause annoyance)
- use obscenities, racist or homophobic language
- contain personally offensive remarks about members of our staff
- are repeatedly submitted with only minor differences after they have fully addressed the complaint

13. Checklist for a committee hearing

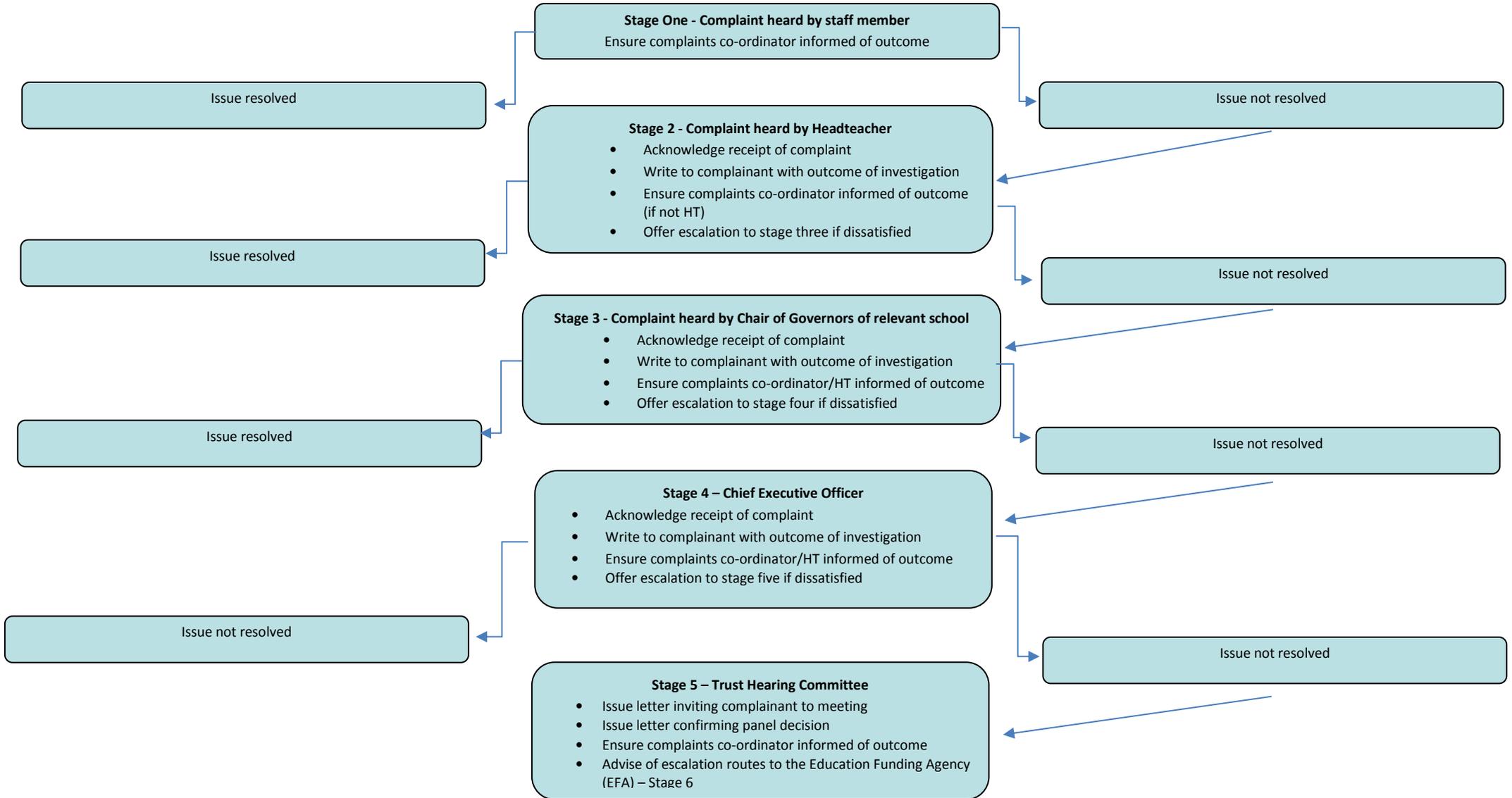
The committee should take the following points into account

- 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.
- 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 school's actions and be followed by the school's witnesses.

- The complainant may question both the headteacher and the witnesses after each has spoken.
- The committee 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 school's actions and response to the complaint.
- Both parties leave together while the committee decides on the issues.
- The Chair explains that both parties will hear from the committee within the set time scale (five working days).

Flowchart

Summary of Dealing with Complaints



Ad Astra Academy Trust

Complaint Form

Please complete and return to the Headteacher (Complaints Coordinator) who will acknowledge receipt and explain what action will be taken.

Your Details

Name

Pupil's name (if relevant)

Your relationship to the pupil (if relevant)

School pupil attends

Address

Postcode

Daytime telephone number

Evening telephone number

Please give details of your complaint

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What action, if any, have you already taken to try and resolve your complaint? (Who did you speak to and what was the response?)

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