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# Unity Academy Trust Complaints Policy

## UNITY Academy Trust COMPLAINTS POLICY

Date: 1st September 2017	Review: 31st July 2018
Signed :	Signed :
Trust Executive Head	Chair of Trust

This policy will be used across each Academy within Unity Academy Trust for all complaints from parents/guardians or other parties. A copy of the complaints procedure will be available from each school office and on the school websites.

### Introduction

We believe that our Trust provides high quality education for all our children, and that the headteachers and other staff work hard to build positive relationships with all parents. However, the Trust must have procedures in place in case there are complaints by parents or other parties. If any parent or guardian is unhappy with the education that their child is receiving, or has any concern relating to the Trust, we encourage that person to talk to the child's class teacher or other relevant staff immediately.

We deal with all complaints in compliance with guidance and regulations set out by the Department for Education and The Education Funding Agency (ESFA) and the Education (Independent School Standards) (England) Regulations 2014.

We have adopted a three-stage process for dealing with complaints:

- Stage 1 – Complaint heard by member of staff
- Stage 2 – Complaint heard by Headteacher
- Stage 3 - Trust Executive Head(if appropriate)
- Stage 4 – Complaint heard by Complaint Panel

### Aims and Objectives

Our Trust aims to be fair, open and honest when dealing with any complaint. When considering a complaint we endeavour to deal with them as swiftly as possible. We aim to resolve any complaint through dialogue and mutual understanding and, in all cases, we put the interests of the child above all other issues. We provide sufficient opportunity for any complaint to be fully discussed, and then resolved.

### Complaints Procedure

Our 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 effective response and appropriate redress, where necessary;
- Provide information to the Academy's senior leadership team to enable services to be improved.

The Academy will be clear about the difference between a concern and a complaint. We will take concerns seriously at the earliest stage to minimise the number that develop into complaints.

### Stage 1 – Informal Resolution

If a parent/carers or a guardian is concerned about anything to do with the education that we are providing within our Trust, they should, in the first instance, discuss the matter with their child's class teacher or other relevant member of staff including a phase leader or senior leader. Most matters of concern can be dealt with in this way. All teachers and non-teaching staff work very hard to ensure that each child is happy at school, and are making good progress; they always want to know if there is a problem, so that they can take action before the problem seriously affects the child's progress.

Our Academies operate an open door policy and as such, parents/carers and guardians may wish to book in some time to talk to the Headteacher if this would be beneficial in resolving your concern informally.

Should the complaint be about the Headteacher, the Executive Headteacher will do all they can to resolve the issue informally through a dialogue with the persons concerned.

If initial attempts to resolve the issue informally are unsuccessful and the person raising the concern remains dissatisfied, if they wish to take the matter further, then the formal procedures set out below will need to be followed.

### Stage 2 – Formal Resolution

If the complaint cannot be resolved on an informal basis the parent or guardian should put their complaint in writing (using Appendix 1 attached) and hand this in to the school office for the attention of the Headteacher.

The Headteacher considers any such complaint very seriously. The complaint will be investigated thoroughly by the Headteacher or a person delegated to undertake the investigation.

The Headteacher will decide, after considering the complaint, the appropriate course of action to take.

In most cases, the Headteacher will meet or speak with the parents or guardian concerned to discuss the matter. If possible, a resolution will be reached at this stage.

The Headteacher will use reasonable endeavours to speak to or meet the parent or guardian within 10 working days of the formal complaint being received.

Once the Headteacher is satisfied that, so far as practicable, all of the relevant facts have been established, a decision will be made which will be communicated to the parent or guardian in writing, giving the reasons for the decision. The written decision should be provided no later than 10 working days after speaking with or meeting with the parent or guardian to discuss the matter.

Each Academy in the Trust will hold a written record of all formal complaints, including records of meetings and interviews held in relation to the complaint and the Academy's decision. The record will be retained for 1 year after the pupil leaves the Academy.

Should the complaint be about the Headteacher, it will be considered by the Executive Headteacher who will follow the above steps.

Only if Stage 2 proceedings fail to resolve the matter should a complaint progress to Stage 3.

### Stage 3- Executive Headteacher

In the case that a complaint cannot be resolved at Stage 2 by the Headteacher, the complaint with all of the documentation will be forwarded to the Executive Headteacher of the trust. They will review all of the communication and acknowledge receipt of this within 5 working days. The Executive Headteacher will undertake a formal review and form a decision based on the evidence they have been presented with. The Executive Headteacher may request an opportunity to discuss this with the complainant.

Only if stage 3 proceedings fail to resolve the matter should a complaint progress to stage 4.

### Stage 4 – Complaints Panel

A parent or guardian may seek to invoke Stage 3, following failure to reach an earlier resolution with the Headteacher or Executive Headteacher in respect of their formal complaint. Such a request must be made in writing addressed to the Chair of the Local Governing Board in the Academy. This will then be considered by the Complaints Panel

Parents/guardians must lodge their complaint in writing within 10 working days of the date of the Academy's decision made in accordance with the Stage 2 procedure. The parent or guardian should provide, in writing, a list of the complaints made against the Academy and which they believe to have been resolved unsatisfactorily by the Stage 2 procedure, along with the remedies sought in respect of each.

The Complaints Panel is only obliged to consider the complaint lodged in this 'initial submission' although they may use their discretion to consider other relevant and related matters that may subsequently arise.

Where an appeal is received by the Academy, the Academy will, within 5 working days, refer the matter to the Clerk to the Local Governing Board who will act as Clerk for the Complaints Panel. Where the appeal is received by the Academy during Academy holidays, or within 2 working days of their commencement, the Academy has 5 working days upon commencement of the school term to refer the matter to the Clerk.

The Clerk provides an independent source of advice on procedure for all parties.

On receipt of an appeal, the Clerk will then endeavour to convene an independent Complaints Panel hearing as soon as possible, usually no later than 20 school days after receipt of the notification from the parents/guardian that they wish to invoke Stage 3. The Panel date will be dependent upon the availability of the Panel members.

The Independent Complaints Panel will consist of two governors from the Local Governing Board who have not previously been involved in the complaint, and one person independent of the management and running of the individual academy who will be selected from the Local Governing Board of another academy within the Trust.

The following are entitled to attend a hearing and/or, submit written representations and address the Panel:

- The parent(s)/carer(s) / guardian (s);
- The Headteacher of the Academy
- Any other interested person whom the Complaints Panel considers to have a reasonable and just interest in the appeal and whose contribution would assist the Panel in their decision-making.

Where required, the Complaints Panel may request any reports, documents, chronology or other useful information in advance of the hearing. Evidence will be sent to and collated by the Clerk who will distribute the information to the relevant parties in advance of the hearing.

After due consideration of the facts considered relevant, the Panel will reach a decision, and make recommendations, which it shall complete within 10 working days of the hearing. The decision reached by the Complaints Panel is final. Any decision reached that may have financial implications for the Academy will need the appropriate approval from the Academy Trust, although any such approval must be compatible with the decision of the Complaints Panel.

### **Complaints about Senior Trust Staff.**

Where a complaint is being made about a member of senior staff within the trust, a different structure is in place. Should a complaint refer to the practice of a Headteacher, this should be made to the Executive Headteacher in writing. If the complaint is in regards to the Executive Headteacher, the complaint should be put in writing to the Chair of the Trustee Board.

### **The Education Funding Agency (ESFA)**

There is no further right of appeal to the Local Governing Board or Academy Trust. All complainants have the right, as a last resort, to contact the Education Funding Agency if they are not satisfied with the way in which their complaint has been considered. You can contact the ESFA at [www.gov.uk/government/organisations/education-funding-agency/about/complaints-procedure](http://www.gov.uk/government/organisations/education-funding-agency/about/complaints-procedure).

### **The Local Authority**

The Local Authority does not have a statutory duty to consider Academy complaints and you do not have a right of appeal to the Local Authority should you disagree with the decision. You may, however, raise the matter with the Local

Authority if you consider the complaint wasn't investigated properly or fairly. So long as the method of investigation followed a proper procedure and considered the complaint in a reasonable manner, then the Local Authority will simply inform you of that fact. It cannot reverse a decision of the Local Governing Board or the Multi-Academy Trust.

### Monitoring, Evaluation and review

The Trust Board will review this policy at least every three years and assess its implementation and effectiveness. The policy will be promoted and implemented throughout each Academy in the Trust.

The Local Governing Board monitor the complaints procedure, in order to ensure that all complaints in the Academy are handled properly. Governors should take into account any local or national decisions that affect the complaints process.

This policy is made available to all parents, so that they can be properly informed about the complaints process.

### Persistent or Vexatious Complaints

You may remain dissatisfied despite all the procedures having been followed and reasonable responses being provided. It may be the case that it is not possible to resolve all your concerns and meet all your wishes. Sometimes it is preferable to 'agree to disagree' and move on.

If you continue to make representations to the Academy or continue correspondence into the same issues, the Unity Academy Board of Trustees reserves the right to inform you, in writing, that the appropriate procedures have all been followed, that all reasonable actions have been taken to try to resolve the issue and that the matter is now closed.

### Dealing with Persistent and/or Vexatious Complaints

A vexatious or persistent complainant is not someone who raises legitimate concerns or criticisms of a complaints procedure as it progresses, for example, with regard to timescales, nor are they someone who is unhappy with the outcome of a complaint and are therefore seeking to challenge it.

Occasionally however there may be situations where the head teacher and/or Local Governing Board have done all they can to resolve matters, and it is therefore appropriate to consider closing a complaint as it has been on-going for some time. Alternatively, there may be some circumstances in which there will be a valid reason for not following the full complaints process. Closing complaints may be appropriate in particular where responding to continual communications from a complainant is detracting from the school's responsibility to look after the interests of all the children in its care.

The Unity Academy Trust Board therefore reserves the right to close complaints from those who demonstrate any of the following behaviours:

- frequently complaining about a variety of different matters, or the same issue through a number of different channels in an obsessive, persistent, harassing, prolific and/or repetitious manner;
- seeking unrealistic outcomes relative to the issue being raised, and stating that their intention is to persist until that outcome is achieved;
- insisting upon pursuing valid complaints in an unreasonable manner;
- Persistently making the same complaint with minor differences but never accepting the outcome of any investigation into their complaint;
- challenging a historical decision/action which cannot be changed;
- contacting the school frequently in a lengthy and/or complicated way;
- behaving aggressively and provocatively towards the school and individual members of staff;
- changing aspects of the complaint or the desired outcome part way through the investigation and/or after the investigation is completed and a conclusion has been reached;
- refusing to co-operate with the investigation process;
- insisting on the complaint being dealt with in ways which are incompatible with the adopted procedure or with good practice;
- making what appear to be groundless complaints about the staff dealing with the complaint, and seeking to have them replaced by someone more senior or with a person the complainant names;
- refusing to accept information provided, for no justifiable reason;
- making statements the complainant knows are not true or persuading others to do so;
- supplying unsubstantiated 'evidence' or other information the complainant knows is incorrect;
- raising a large number of detailed but unimportant questions and insisting that they are all fully answered;
- lodging a number of complaints in batches over a period of time, resulting in related complaints being at differing stages of the complaints procedure;
- pressing for further investigation of matters that have already been addressed;
- Electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved;
- using obscene, racist, offensive or threatening language in written or verbal communications;
- Threatening or aggressive or abusive behaviour in direct personal contacts with staff;
- Using the vehicle of valid new complaints to resurrect issues which were included in previous complaints; and/or
- Persistently sending communications which demand responses, or making telephone calls seeking an interview with staff, after the school has closed the investigation into a complaint and all rights of review and appeal have been exhausted.

Any complainants demonstrating such behaviour will be given an opportunity to modify their behaviour before correspondence is closed. Correspondence received from the complainant subsequent to closure will be kept on file, indefinitely, as will notes of telephone calls and any further personal calls referring to the matter.

**Flowchart of complaints**

