



## **Complaints Policy**

**October 2015**

**Reviewed and approved by Sentamu Academy Learning Trust Board of Directors on  
19<sup>th</sup> October 2015**

# Sentamu Academy Learning Trust

## Complaints Policy

### 1. Responsibilities

The Sentamu Academy Learning Trust Board of Directors has primary responsibility for the management and administration of the Trust. Some of these responsibilities, including the implementation of the Complaints Policy, have been delegated to the Local Governing Committee, the Principal and/or senior managers who shall comply with all policies and procedures issued by the Board of Directors and take into consideration any subsequent advice and recommendations given to them by the Directors.

### 2. Definitions

In this procedure the following words and expressions shall have the following meanings:

"Directors" or "Trust Board" means the Board of Directors of the Trust as constituted from time to time, or where appropriate any sub-committee of the Board of Directors.

"Governors" means the local governing body of each Academy referred to as the Local Governing Committee (LGC) as constituted, or where appropriate, any sub-committee of the Local Governing Committee. Each Local Governing Committee has specific delegated powers for the management of the business of each Academy as agreed by the Directors.

"Trust" means the Sentamu Academy Learning Trust;

"Executive Principal" means the Executive Principal of the Trust and may also be referred to as the "Principal" in this procedure;

"Principal" means the head of the Academy and may also be known as the Headteacher.

"Vice Principal" can also be referred to as a Deputy Headteacher.

### 3. Statement of Policy

At Sentamu Academy Learning Trust (SALT) we undertake to provide a friendly and safe environment in which student will be helped to achieve their potential, both academically and socially. We recognise, however, that sometime things can go wrong and parents, carers and members of the public may need to make a complaint or raise concerns they have with the academy. This policy explains what to do it this happens.

Staff complaints relating to their employment are dealt with under the Academy's Grievance Procedure.

## 4. Statement of Policy Review

The Board of Directors has agreed that this policy will be reviewed on a two yearly basis. This review will take into consideration all aspects of applicable legislation and advice current at the time of the review. The next 'Period of Review' will be **September 2017**

## 5. Dealing with Complaints

### 3.1 Initial concerns

The majority of issues raised are concerns rather than complaints. The Trust and each Academy within it is committed to taking concerns seriously, at the earliest stage, in the hope of keeping the number of complaints to a minimum and without needing formal procedures. However, depending on the nature of the complaint, you may wish or be asked to follow the Trust's formal complaints procedure. For each academy to be able to investigate a complaint, it needs to be made within one year of the incident occurring. If a complaint is older than a year it will not be investigated.

Most complaints can be quickly resolved by talking to the teacher or member of staff concerned.

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. Malicious complaints may incur appropriate action.

### 3.2 Framework of Principles

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;
- 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 Academy's Senior Leadership Team so that services can be improved.

### 3.3 Investigating Complaints

At each stage, the person investigating the complaint (the Complaints Co-ordinator), should ensure that they:

- establish what has happened so far, and who has been involved;
- clarify the nature of the complaint and what remains unresolved;
- meet with the complainant or contact them (if unsure or further information is necessary);
- clarify what the complainant feels would put things right;
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conduct the interview with an open mind and be prepared to persist in the questioning;
- keep notes of the interview.

### **3.4 Resolving Complaints**

At each stage in the procedure the Academy will consider ways to resolve a complaint. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review Academy or Trust policies in light of the complaint.

Complainants should be encouraged to state what actions they feel might resolve the problem at any stage. An admission that the Academy could have handled the situation better is not the same as an admission of negligence. It is important to clarify any misunderstandings that might have occurred in order to create a positive atmosphere in which to discuss any outstanding issues.

Any complaints concerning the conduct of Trust staff will be handled in accordance with the Trust's internal disciplinary procedures and such an investigation will remain confidential.

### **3.5 Vexatious Complaints**

There will 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 Local Governing Body is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

### **3.6 Time-Limits**

Complaints will be considered, and resolved, as quickly and efficiently as possible. Realistic time limits for each action within each stage must be set. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

### 3.7 Behaviour of complainant

The Trust is committed to ensuring the safety of staff and students. It is understood that frustrations may arise if you have a complaint. However, parents and other visitors to the Academy are expected to behave in a reasonable way towards members of staff. It should also be noted that relevant staff are not always readily available to meet visitors without an appointment.

If the behaviour of parents and other visitors is considered to be unacceptable it will not be tolerated and you may be asked to leave the site.

### 3.8 Rights of an employee who is the subject of a complaint

At all stages of the procedure the employee who is the subject of the complaint has the right to:

- Be informed of the complaint made against them
- Be accompanied and represented by a colleague or Trade Union Representative at formal meetings
- Submit relevant documents for consideration
- Call relevant witnesses.
- Be informed of the outcome of any investigation

Once you are aware of the complaint, think back to the event and consider if there is any chance that the complainant could be right. It may be the case that you could request or agree to an informal meeting to talk this through with the complainant (mediation) with the intention of giving an apology.

If you believe that the complaint is unjustified it is of course essential to be professional. Do not confront the complainant. You will be given the opportunity to gather evidence and if the complaint does proceed to the formal stage you will be given the opportunity to explain your version of events. Advice and support can be obtained from the Human Resources Department and/or your Trade Union representative.

## 6. The Formal Complaints Procedure

### 4.1 The Stages of Complaints

At each stage clarification of exactly who will be involved, what will happen, and how long it will take must be communicated. There may, on occasion, be the need for some flexibility; for example, the possibility of further meetings between the complainant and the member of staff directly involved and further investigations may be required by the principal after a meeting with the complainant.

The following stages are likely to be sufficient:

- **Stage One:** Complaint heard by staff member (though not the subject of the complaint).
- **Stage Two:** Complaint heard by Principal or Vice Principal

- **Stage Three:** Complaint heard by Governing Body's complaints appeal panel.

An unsatisfied complainant can always take a complaint to the next stage.

If a complaint concerns the conduct of the Executive Principal, Principal or a Governor or where the Executive Principal, Principal or a Governor has been involved in the issue previously, the process for dealing with this complaint will be explained by the Complaints Co-ordinator.

Allegations of abuse against a member of the Academy staff must be reported to the Principal immediately. Allegations of abuse against the Principal must be reported to the Executive Principal and Chair of Governors immediately and dealt with under the Trust's Child Protection Policy.

In cases where the matter concerns the conduct of the Principal, the Principal and Chair of Governors will be informed of the complaint. The Chair of Governors will arrange for the matter to be investigated. In cases where the matter concerns the conduct of the Executive Principal, the Executive Principal and the Chair of Directors will be informed of the complaint. The Chair of Directors will arrange for the matter to be investigated. In cases where the matter concerns the conduct of a member of the Governing Body or Board of Directors the member will be informed of the complaint.

## **4.2 Managing and Recording Complaints**

A complaint may be made in person, by telephone, or in writing. At the end of a meeting or telephone call, the member of staff should ensure that the complainant and the Academy have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls should be kept and a copy of any written response added to the record.

The Complaints Co-ordinator should be responsible for the records and hold them centrally. A log of complaints received and how they were resolved or confirmation of zero complaints received, will be presented to Local Governors on an annual basis in order that they may consider the need for any changes to Academy procedures.

All correspondence, and statements and records of complaint must be kept confidential but must be shown to HMI when they inspect. Copies must also be made available to the Registration Authority on request.

## **4.3 Governing Body Review**

The Principal will report to Local Governors details of any complaints received and the outcomes. If none are received a nil return will be reported on an annual basis. The Local 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 or refer any concerns to the Board of Directors where necessary. Complaints information will be shared with the whole Governing Body, not named individuals.

The process of listening to and resolving complaints will contribute to Academy improvement. When individual complaints are heard, underlying issues that need to be addressed may arise. The monitoring and review of complaints by the Academy and the Governing Body can be a useful tool in evaluating an Academy's performance.

## **4.4 Complaints Procedure**

### **Stage One: Complaint Heard by Staff Member**

It is in the interests of everyone that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the Academy can be crucial in determining whether the complaint will escalate. To that end, if staff are made aware of the procedure, they know what to do when they receive a complaint.

It would assist the procedure if the Academy respected 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 can refer the complainant to another staff member. Where the complaint concerns the Principal, the Complaints Co-ordinator can refer the complainant to the Chair of Governors.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the 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, the next step would be to refer the complainant to the appropriate person and advise them about the procedure. Governors should 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 panel at a later stage of the procedure.

### **Stage Two: Complaint Heard by Principal**

At this point, the complainant may be dissatisfied with the way the complaint was handled at stage one as well as pursuing their initial complaint. It would be helpful if the complainant puts the complaint in writing if they have not already done so, a form for this purpose can be found at the end of this document (appendix A). The Principal may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

There may be instances, depending on the seriousness of the complaint, when the complainant will directly approach the Principal.

### **Stage Three: Complaint Heard by Local Governing Body Complaints Appeal Panel**

The complainant should write to the Chair of Local Governors giving details of the complaint and the grounds on which they appeal against the Principal's decision. The Chair, or a nominated Governor, will convene a Local Governing Body complaints panel none of whose members will have been directly involved in previous consideration of the complaint. One of the members of the panel must be independent of the management and running of the Academy. The

Governors' appeal hearing is the last Academy-based stage of the complaints process, and is not convened to merely rubber-stamp previous decisions.

Individual complaints would not be heard by the whole Governing Body at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

The Local Governing Body may nominate a number of members with delegated powers to hear complaints at that stage, and set out its terms of reference. These can include:

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

The panel can be drawn from the nominated members and may consist of three or five people. The panel may choose their own chair. Details of how the appeal panel meeting will be conducted can be found in appendix 2.

#### **4.5 The Remit of the Complaints Appeal Panel**

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.

#### **4.6 Notification of the Panel's Decision**

- The Chair of the Panel needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response; this is usually within 10 working days. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

## Sentamu Academy Learning Trust

**Complaint Form**

Please complete and return to the Complaints co-ordinator who will acknowledge receipt and explain what action will be taken.

Your name:	Student's name:
Your relationship with the student	
Address:	
Daytime telephone no.	
Evening telephone no.	
Name of Academy complaint relates to:	
Please give details of your complaint:	
What action, if any, have you already taken to try and resolve your complaint? (Who did you speak to and what was the response?)	
What actions do you feel might resolve the problem at this stage?	

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

Signature:

Date:

For office use only:

Date acknowledgement sent

Complaint referred to:

Date:

## **Appeal Panel Hearing**

The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the academy and the complainant. However, it has to be recognised 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. The letter will also contain what you need to do if you wish to take the matter further.

It is important that the appeal hearing is independent and impartial and that it is seen to be so. No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, governors need to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.

An effective panel will 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 panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.

There are several points which any Governor sitting on a complaints panel needs to remember:

- It is important that the appeal hearing is independent and impartial and that it is seen to be so.
- No Governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, Governors need to try and ensure that it is a cross-section of the categories of Governor and sensitive to the issues of race, gender and religious affiliation.
- The aim of the hearing, which needs to be held in private, is to resolve the complaint and achieve reconciliation between the Academy and the complainant. However, it has to be recognised 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.
- An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child, and may choose to be accompanied. The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.
- 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 panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.
- The governors sitting on the panel need to be aware of the complaints procedure.

## **The Role of the Clerk**

The clerk is 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;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the panel's decision.

## **The Role of the Chair of the Local Governing Body or the Nominated Governor**

The nominated governor role:

- check that the correct procedure has been followed;
- if a hearing is appropriate, notify the clerk to arrange the panel;

## **The Role of the Chair of the Panel**

The Chair of the Panel has a key role, ensuring that:

- the remit of the panel 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 panel is open minded and acting independently;
- no member of the panel 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 it would be useful to give all parties the opportunity to consider and comment on it.

## **Before the meeting:**

- The formal complaints letter should be passed to the vice-chair if the chair will be unable to receive the letter within 5 days.
- Members of the Governors' Complaints Panel should have no prior knowledge of the complaint and it is, therefore, unlikely that staff governors will be members of the panel.
- The letter inviting the parent / carer to attend should indicate that they may be accompanied by a friend

### **At the meeting:**

- The Complaints Panel must be made up of at least three members and a clerk.
- One member of the panel must be completely independent from the Academy.
- Although this is a formal meeting, every effort should be made to make it as informal as possible for all concerned and parent / carer put at ease.
- Everyone attending should be in the room at the same time.
- The clerk should take notes of the meeting, listing who is present and make everyone aware of the confidential nature of the process.
- The chair of the Governors' Complaints Panel should open the meeting stating the purpose and the format of the meeting to clarify this to all in attendance.
- People present should introduce themselves stating their reason for being at the meeting.
- The chair of the Governors' Complaints Panel should request a verbal statement from the complainant in support of his or her written letter of complaint and why s/he feels the issue has not been resolved. The Governors' Complaints Panel members can ask questions to make sure they understand the issue from the parent's point of view.
- The chair of the Governors' Complaints Panel should request a verbal statement from the Principal (or her representative) in support of his/her written account of the complaint and the steps taken to resolve the issue. The Governors' Complaints Panel members can ask questions to make sure they understand the issue from the Principal's point of view.
- Members of the Governors' Complaints Panel should make sure they fully understand the issues and ask any further questions to clarify any points that are still not clear to them.
- The chair of the Governors' Complaints Panel must ask the complainant and the Principal (or her representative) if they are satisfied that they have provided all the information they wanted or if there is something they wish to add and if they feel they have had a fair hearing.
- When the Governors' Complaints Panel members understand all the issues, the chair will ask all parties to leave except the panel members and the clerk.

### **After the meeting:**

- The Panel members will need to consider the information, come to a decision and suggest a way to resolve the issue taking into account the best interests of the child or children.
- The Governors' Complaints Panel members discuss the issues in private and the clerk remains to record the decision. 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.
- When the Panel have reached a decision the Clerk will inform everyone concerned in writing as soon as possible, but in any event, within ten working days of the panel

meeting. The letter will also contain what the complainant need to do if you wish to take the matter further. although it should be noted that if the correct procedure has been followed, the decision of the Governor's Complaints Panel is final.

- A record should be kept of the outcome of the hearing.
- Written records of complaints will be kept and reported on an annual basis to Governors.

### **Vexatious Complaints**

If properly followed, a good complaints procedure will limit the number of complaints that become protracted. However, there will 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 Governing Body is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

### **Summary of Procedure and Agenda**

- 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 Principal may question both the complainant and the witnesses after each has spoken.
- The Principal is then invited to explain the academy's actions and be followed by the academy's witnesses.
- The complainant may question both the Principal and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The Principal is then invited to sum up the academy's actions and response to the complaint.
- Both parties leave together while the panel decides on the issues.
- The chair explains that both parties will hear from the panel within a set time scale.