



Unity Academy Trust Complaints Policy

Review Summary

Adopted	12/2019
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Reviewed By	S Brooks, Trust CEO and Trustees

UNITY Academy Trust
COMPLAINTS POLICY

Date: December 2019	Review: December 2019
Signed : 	Signed : 
Chief Executive Officer (CEO)	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 (or Interim CEO where a complaint is against a Headteacher)
- Stage 3– Complaint heard by Governor 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/carer 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 CEO 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 CEO 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 – Governors Complaints Panel

A parent or guardian may seek to invoke Stage 3, following failure to reach an earlier resolution with the 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 one governor from the Local Governing Board who have not previously been involved in the complaint, and two governors 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 CEO in writing. If the complaint is in regards to the CEO, 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.

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.

Appendices

Appendix 1: Complaint Form

Please complete and return to the Administration Officer who will acknowledge receipt and explain what action will be taken.

Your Name:	
Pupil's Name:	
Your relationship to the pupil:	
Address:	
Daytime phone number:	
Evening phone number:	
Mobile phone number:	
Please give details of your complaint:	
What action, if any, have you already taken to try to resolve the 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	

Appendix 2: Timescale verification

School use only		Timeline
Date acknowledgement sent:		Within 3 working days of receipt
Who sent acknowledgement:		
Signature:		
Please complete the following, acknowledge the stages of the complaints procedure that have been followed and make any comments as necessary		
Stage 1 (complaint considered by staff)		Completed within 10 school days of complaint being received
Stage 2 (complaint considered by Headteacher)		Completed within 10 school days of Stage 2 being initiated
Stage 3 (Governor Complaint Panel)		Completed within 10 school days of Stage 3 being initiated

Appendix 3

Complaints Procedure During the Coronavirus (COVID-19) Pandemic- May 2020

Please note: In line with current government guidance, the school is not expected to handle new or existing concerns while it is temporarily closed due to the coronavirus pandemic; however, the school maintains open communication channels for complainants to contact the school with a concern.

Statement of intent

We understand the necessity to adapt our complaints procedure during the school's temporary closure and to ensure members of our school community can continue to voice any concerns they may have.

This appendix outlines how the school manages concerns and complaints during the coronavirus pandemic, in line with the government's guidance and this policy. The information in this section is under constant review and kept updated to reflect any changes to national or local guidance.

It is important to note, however, that the DfE **does not** expect the school to address new or existing concerns or complaints during the period of temporary closure.

1. Key definitions

1.1. For the purpose of this policy, the following definitions are used:

- **Children of key workers:** children of parents who work in the following industries:
 - Health and social care, e.g. doctors and nurses
 - Education and childcare, e.g. teachers and DSLs
 - Local and national government, e.g. administrative occupations
 - Food and essential goods retail, e.g.-. supermarket workers and grocers
 - Public safety and national security, e.g. police and Ministry of Defence workers
 - Transport, e.g. freight transport workers and train drivers
 - Utilities, communication and financial services, e.g. bankers, oil workers, and telecommunications (999 and 111 critical services)

- **Vulnerable children:** children who have a social worker and children with EHC plans. Those who have a social worker include children who have a child protection plan and those who are looked after by the LA. A child may also be deemed as vulnerable if they have been assessed as being in need, are a young carer, or otherwise meet the definition in Section 17 of the Children Act 1989.
- **Social distancing:** measures put in place in line with government advice to reduce social interaction between people. This aims to reduce the transmission of coronavirus by preventing gatherings occurring in public spaces, such as schools, where possible.

2. Making a complaint

- 2.1. Concerns are not restricted to the parents of pupils. The school considers all concerns.
- 2.2. Complainants may express concerns to the school via:
 - Email
 - The school website
 - Telephone
 - Letter
- 2.3. Raising a concern in person is avoided while social distancing measures are in place, where possible.
- 2.4. The normal complaints procedure resumes once the school reopens; until this point, formal complaints cannot be dealt with by the school. Complaints should be raised to the LA or the DfE.
- 2.5. Any updates that influence this policy are communicated to all parties involved via **email** or **telephone** in a timely manner.
- 2.6. Where necessary, a concern can progress to a complaint; however, these are in exceptional circumstances.
- 2.7. Any concern made against a member of staff will be initially dealt with by the Headteacher, as soon as it is deemed possible, and then by a committee of the governing board when the school reopens.
- 2.8. Any concern made against the Headteacher shall be initially dealt with by a suitably skilled member of the governing board, as soon as is deemed possible, and then by a committee of the governing board when the school reopens.

- 2.9. Complainants are encouraged to call the DfE for more information regarding complaints at this time.

3. Concerns with regard to school closures

- 3.1. Concerns raised about the school's closure, including school places for the children of keyworkers and vulnerable pupils during closure, and remote learning resources, are handled as soon as it is deemed possible; however, the school is not expected to address new concerns during the period of closures.
- 3.2. The school addresses concerns about the school's closure, including school places and remote learning resources, in line with governmental advice, the relevant school policies, and local arrangements.
- 3.3. If parents have concerns over the school's conduct, they inform the Head Teacher.
- 3.4. If parents have any complaints that relate to the school's temporary closure, they direct their complaints to the LA or the DfE.
- 3.5. If a complaint relates to any safeguarding concerns, the complainant contacts the LA or, where appropriate, the police.

4. Recording a concern

- 4.1. A written record is kept of any concern made, where deemed necessary, and includes:
 - The main issues raised and any recommendations.
 - Whether the concern was resolved and how this was achieved.
 - Actions taken by the school as a result of the concern raised.
- 4.2. The school keeps the governing board up-to-date with any concerns raised and actions that are taken to resolve them, where necessary.
- 4.3. Any record of concerns made are held in line with the Records Management Policy.

5. Monitoring and review

- 5.1. The Headteacher is responsible for continually monitoring government updates and updating this appendix in line with any changes and guidance on both national and local levels.

- 5.2. Any changes to this appendix are communicated to all staff, parents and relevant stakeholders.
- 5.3. This appendix is considered redundant once the school reopens fully – the school resumes its regular complaints procedures outlined in this policy.

Flowchart of complaints

