



# EBOR ACADEMY TRUST

Policy Number

5

## Statutory Complaints Policy

Signed: \_\_\_\_\_

Dated: September 2016<sup>1</sup>

Review Period: Every 3 years

Review Date: July 2019

*Please note – wherever this policy states Director or Trustee this means Director or Trustee of the Ebor Academy Trust*

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<sup>1</sup> Awaiting formal approval for amendments to page 6 section 1.

# **Ebor Academy Trust General Complaints Procedure (LA Recommended Policy)**

## **Introduction**

The Ebor Academy Trust recognises that at times things can and do go wrong. The Academies Directors and staff believe that it is in everyone's best interest to resolve complaints at the earliest possible stage.

For the purposes of this policy a 'complaint' is to be interpreted as the expression of concern over any subject connected with the education and/or welfare of any pupil/student at any of the schools within the Academy.

This policy therefore seeks to help parents understand how to resolve concerns about their child's education.

## **Scope**

The scope of this policy covers most complaints that the Academies are likely to receive from parents or students. However, it is not intended to cover aspects for which there are specific statutory requirements, in particular, complaints about the delivery of the curriculum or the provision of collective worship or religious education.

In addition:

- Concerns about admissions or exclusions have specific appeal rights and are detailed in the relevant policies.
- Allegations of child abuse will be dealt with through the Safeguarding and Child Protection Policies.
- Complaints of financial improprieties or other criminal activities will be dealt with through the Whistleblowing Policy.

## **General Principles**

The Ebor Academy Trust's 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.

## **Ebor Academy Trust General Complaints Procedure**

### **STAGE 1: INFORMAL**

**The First Contact:** Guidelines for dealing with concerns and complaints informally

*The vast majority of concerns and complaints can be resolved informally. There are many occasions where concerns are resolved straight away through the class teacher or academy secretary or Head of School, depending on whom the parents/carers first approached.*

#### **Procedure for Stage 1:**

- a. Parents/carers are encouraged to discuss their concern with the appropriate member of staff who clarifies with the parents/carers the nature of the concern.

If the member of staff first contacted cannot immediately deal with the matter, s/he makes a clear note of the date, name, contact address or phone number.

- b. The member of staff will refer the concern to the person with responsibility for the particular issue, to a senior member of staff or to the Head of School or in their absence to an appointee.
- c. The staff member dealing with the concern makes sure that the parent/carer 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. He/she will check that the parents/carers are satisfied with this action at this stage.
- d. If the concern relates to the Head of School, the parents/carers are advised to contact the Executive Headteacher.
- e. Where no satisfactory solution has been found within 10 days, parents/carers 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.

### **STAGE 2: FORMAL**

**Referral to the Head of School for investigation** (if the complaint concerns the Head of School this stage will be undertaken by the Executive Headteacher and a satisfactory outcome is not reached stage 4 will then commence).

*At this stage it has become clear that the concern is a definite complaint.*

#### **Procedure for Stage 2:**

- a. The Head of School (or designate) acknowledges the complaint orally or in writing within three working days of receiving the written complaint. The acknowledgement gives a brief explanation of the academy's complaint procedure and a target date for providing a response to the complaint. This should normally be within 10 working days; if this proves impossible, a letter is sent explaining the reason for the delay and giving a revised target date.
- b. The Head of School (or designate) provides an opportunity for the complainant to meet him/her to supplement any 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.

- c If necessary, the Head of School (or designate) should interview witnesses and take statements from those involved. If the complaint centres around a pupil, the pupil should also be interviewed. The pupil would normally be interviewed with parents/carers 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 pupil has specifically said s/he would prefer that parents/carers were not involved. In such circumstances another member of staff with whom the pupil feels comfortable should be asked to attend
- d The Head of School (or designate) keeps written records of meetings, telephone conversations and other documentation.
- e Once all the relevant facts have been established, the Head of School (or designate) should then produce a written response to the complaint, or may wish to meet the complainant to discuss/resolve the matter directly.
- f 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 the Board of Directors in writing within five weeks of receiving the outcome letter, giving clear reasons why. Such reasons may include:
  - o The decision or outcome was not appropriate (and the reasons why)
  - o There was a defect in procedure
  - o New evidence which is relevant has come to light
- g If a complaint is against the action of a Head of School, or if the Head of School has been very closely involved at Stage 1, the Executive Headteacher should carry out all the Stage 2 procedures.

### **STAGE 3: APPEAL FORMAL REVIEW BY THE EXECUTIVE HEADTEACHER**

- a. Complaints only rarely reach this formal level, but it is important that the Executive Headteacher is prepared to deal with them when necessary.
- b. It is important that this review not only be independent and impartial but that it be seen as so. Therefore, individual complaints may be considered by an Executive Headteacher and if he/she deems necessary a panel of Senior Leaders. In exceptional circumstances a complaint may result in disciplinary action against a member of staff, and the Executive Headteacher might be required to give an unprejudiced hearing to an appeal by the member of staff concerned.
- c. Parents/carers may see many complaints as being "against" a particular member of staff and their actions. However, all complaints which reach this stage will have done so because the complainant has not been satisfied by the Head of School's response at the earlier stage of the procedure, and it may be appropriate for the Executive Headteacher to consider that the complaint is against the academy rather than against the member of staff whose actions led to the original complaint.

### **Procedure for Review by the Executive Headteacher**

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

- b The Executive Headteacher's PA should write to the complainant to acknowledge receipt of the written request. The acknowledgement should provide an opportunity for the complainant to meet him/her. 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. This meeting should take place within 20 working 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 at least 5 working days prior to any confirmed meeting date).
- c If necessary the Executive Headteacher should interview witnesses and discuss previous statements from those involved. If the complaint centres around a pupil, the pupil should also be interviewed. The pupil would normally be interviewed with parents/carers 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 pupil has specifically said s/he would prefer that parents/carers were not involved. In such circumstances another member of staff with whom the pupil feels comfortable should be asked to attend
- d The Executive Headteacher will keep written records of meetings, telephone conversations and other documentation.
- e The aim of the meeting should be to resolve the complaint and achieve reconciliation between the academy and complainant. However, it has to be recognised that sometimes it may only be possible to establish facts and make recommendations, the intention of which may be to seek to provide assurances to the complainant that his or her complaint has at least been taken seriously.
- f The Executive Headteacher will then consider the complaint and all the evidence presented and
  - i. reach a decision on the complaint and decide upon the appropriate action to be taken to resolve the complaint and where appropriate, suggest recommended changes to the academy's systems or procedures to ensure that problems of a similar nature do not happen again.
- g The Executive Headteacher should then produce a written response to the complaint, or may wish to meet the complainant to discuss/resolve the matter directly.
- h 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 the Board of Directors in writing within five weeks of receiving the outcome letter, giving clear reasons why. Such reasons may include:
  - The decision or outcome was not appropriate (and the reasons why)
  - There was a defect in procedure
- i *The Executive Headteacher should also inform any members of Staff directly involved of his/her decision.* The letter to the complainant should explain whether a further appeal can be made, and if so, to whom.
- j The academy should ensure that a copy of all correspondence and notes are kept on file in the academy's records. These records should be kept separately from the pupil's personal records.

## **STAGE 4: APPEAL: FORMAL REVIEW BY BOARD OF DIRECTORS**

This stage would only take place if the Executive Headteacher has been involved in Stage 2 and therefore stage 3 would commence but with the Board of Directors taking the place of the Executive Headteacher.

- a. On very rare occasions complaints may reach this formal level, but it is important that the Board of Directors is prepared to deal with them when necessary.
- b. It is important that this review not only be independent and impartial but that it be seen as so. Therefore, individual complaints should not be considered by the full Board of Directors as there may be the potential for serious conflicts of interest to arise, for example, in exceptional circumstances a complaint may result in disciplinary action against a member of staff, and directors might be required to give an unprejudiced hearing to an appeal by the member of staff concerned. Similarly, some Directors might have previous knowledge of the problem which led to the complaint and would be unable to give fair unbiased consideration to the issue.
- c. Parents/carers may see many complaints as being "against" a particular member of staff and their actions. However, all complaints which reach this stage will have done so because the complainant has not been satisfied by the Head of School's response at the earlier stage of the procedure, and it may be appropriate for the Board of Directors to consider that the complaint is against the academy rather than against the member of staff whose actions led to the original complaint.

### **Procedure for Review by Board of Directors**

- k Upon receipt of a written request by the complainant for the complaint to proceed to stage 4, the procedures outlined below should be followed:
- l The Clerk to the Board of Directors should write to the complainant to acknowledge receipt of the written request. The acknowledgement should inform the complainant that the complaint is to be heard by a panel of three members within 20 working 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 (and at least 5 working days prior to any confirmed Panel meeting date).

The Clerk to the Directors should arrange to convene a Directors' Complaints Panel. The panel will comprise two individuals elected from members of the Board of Directors, and one individual who is independent of the management and running of Ebor Academy Trust and who is on a list of willing individuals (this list will be maintained by the Senior Schools' Manager, updated annually in September, and approved by the Directors).

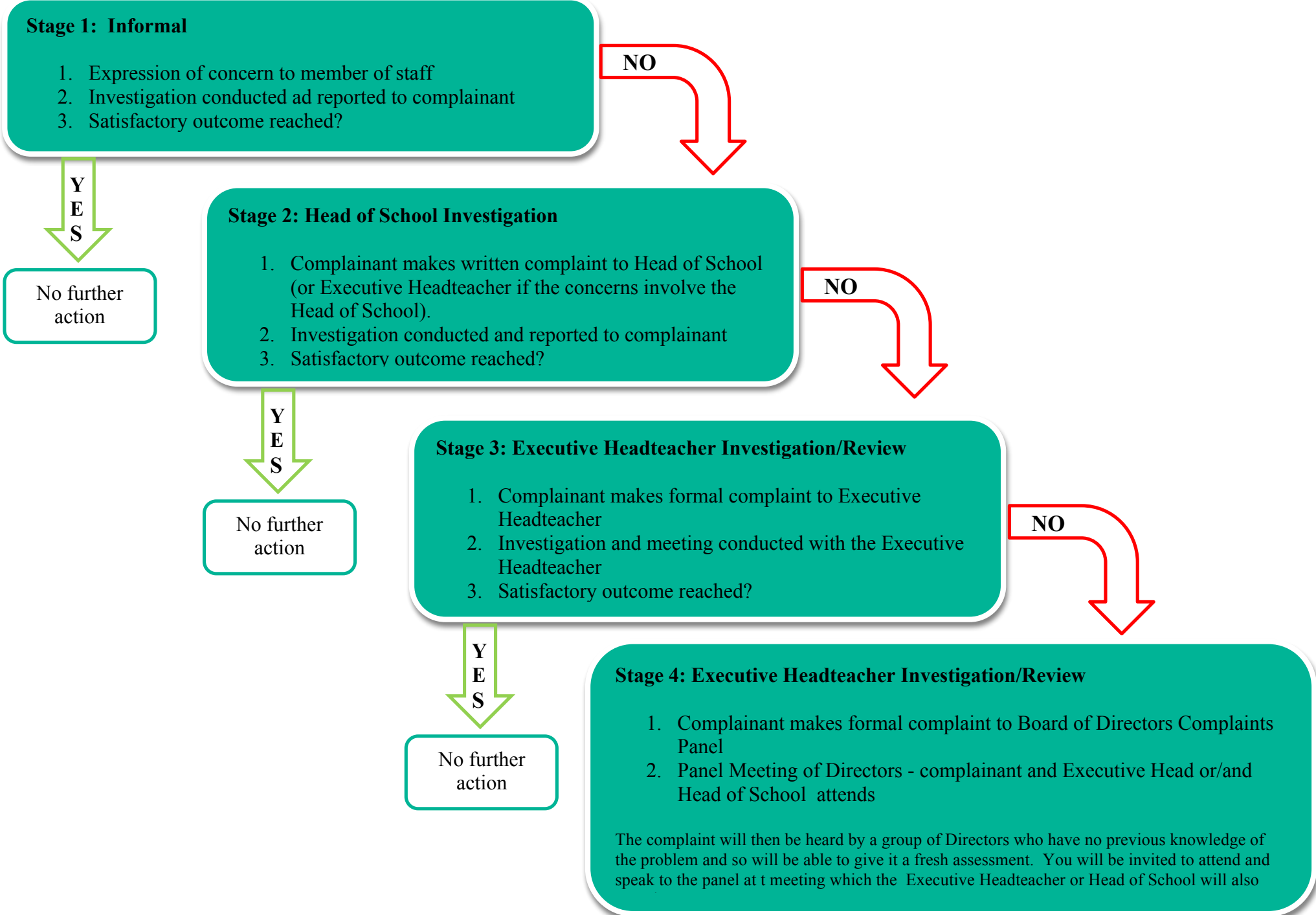
- m The Panel members should be directors who have had no prior involvement with the complaint. If s/he has not previously been involved, the Chair of the Board of Directors should chair the Panel; otherwise the Vice-Chair should do it. The Head of School will not have a place on the Panel. Directors will want to bear in mind the advantages of having a Parent/Carer on the Panel. Directors will also want to be sensitive to issues of race, gender and religious affiliation.
- n The Chair/Vice-Chair will ensure that the complaint is heard by the Panel within 20 working days of receiving the letter from the Clerk to the Board of Directors. All relevant correspondence regarding the complaint should be given to each Panel member as soon as

the composition of the Panel is confirmed. If the correspondence is extensive, the Chair of the Panel should prepare a thorough summary for sending to Panel members.

- o The Chair/Vice-Chair will write and inform the complainant, Executive Headteacher/Head of School, any relevant witnesses, and members of the Panel at least 5 working 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 and the complainant's right to submit further written evidence to the Panel within the timescales set out.
- p The Chair/Vice-Chair of the Board of Directors should invite the Executive Headteacher and/or Head of School to attend the Panel meeting and prepare a written report for the Panel in response to the complaint. The Executive Headteacher/Head of School *should* 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 Executive Headteacher/Head of School's report should be received by all concerned – including the complainant – at least 5 working days prior to the meeting.
- q The involvement of staff other than the Executive Headteacher/Head of School is subject to the discretion of the Chair of the Panel.
- r It is the responsibility of the Chair of the Panel to ensure that the meeting is properly minuted. A copy of the minutes may be provided to either party if requested.
- s The aim of the meeting should be to resolve the complaint and achieve reconciliation between the academy and complainant. However, it has to be recognised that sometimes it may only be possible to establish facts and make recommendations, the intention of which may be to seek to provide assurances to the complainant that his or her complaint has at least been taken seriously.
- t The Panel should remember that many parents/carers 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 that the proceedings are as informal as possible and that the use of adjournment is considered where appropriate.
- u If either party wishes to introduce previously undisclosed evidence that was not available at the time of the complaint in accordance with (b) above, or witnesses, the Panel Chair may accept such new evidence if s/he considers that it may assist the Panel in its deliberations. Should such new evidence be accepted, it is in the interest of natural justice to adjourn the meeting so that the other side has time to consider and respond to the new evidence.
- v The meeting should allow the complainant to explain their complaint and the Head of School to explain the academy's response. The Executive headteacher/Head of School can question the complainant about the complaint and the complainant can question the Executive Headteacher/Head of School and/or other members of staff about the academy's response.
  - i. *Panel members have an opportunity to question both the complainant and the Executive Headteacher/Head of School*
  - ii. *Any party has the right to call witnesses (subject to the approval of the Chair) and all parties have the right to question all the witnesses – final statements by both the complainant and the Executive Headteacher/Head of School will be invited, with the complainant having the ability to make their statement last of all.*

- w The Chair of the Panel will explain to the complainant and the Executive Headteacher/Head of School that the Panel will now consider its decision, and a written decision will be sent to both parties within 15 working days. The complainant, Executive Headteacher/Head of School, other members of staff and witnesses will then leave.
- x The Panel will then consider the complaint and all the evidence presented and
  - ii. reach a unanimous, or at least a majority, decision on the complaint and
  - iii. decide upon the appropriate action to be taken to resolve the complaint and
  - iv. where appropriate, suggest recommended changes to the academy's systems or procedures to ensure that problems of a similar nature do not happen again.
- y A written statement outlining the decision of the Panel including the rationale applied in support of the decision must be sent to the complainant and Executive Headteacher/Head of School. *The Chair of the Panel should also inform any members of Staff directly involved the result of the Panel's deliberations.* The letter to the complainant should explain whether a further appeal can be made, and if so, to whom.
- z The academy should ensure that a copy of all correspondence and notes are kept on file in the academy's records. These records should be kept separately from the pupil's personal records.





**General Complaints Procedure  
Complaint Report Form**

**This form should only be used by the school for complaints at Stage 2 or higher of the Academy's Complaints Procedure.**

DfE Academy Number: .....

Term complaint received: .....

**Nature of Complaint (please tick):**

- Curriculum provision/timetable
- Teaching quality
- Professional conduct
- Academy discipline
- Premises, buildings or facilities
- Health & Safety
- Other (please specify) .....

**Complaint made by (please tick):**

- Parent/Carer
- Pupil
- Local resident
- Other (please specify) .....

**Outcome**

\* Written response made on ..... (date)

\* Meeting with complainant held on ..... (date)

\* Complainant satisfied with outcome ..... (date)

\* Complaint referred to Stage 3 on ..... (date)

*\*Delete whichever is not applicable*

**Further action required (if applicable):**