



## **Policy**

## **Complaints**

Author

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Approved by

Board of Directors

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### **1. Rationale**

The Eastern Multi-Academy Trust takes seriously any concern or complaint raised with it by a parent/carer of its pupils or any other body or individual. We believe that tackling issues at the earliest possible stage will improve our academies and the Trust, enhance learning, prevent issues escalating and reduce the number of formal complaints.

This Policy will be accessible to all via the Eastern Multi-Academy Trust website.

If an issue cannot be resolved with informal discussions, any further complaint must be put in writing to the relevant Academy or the Trust itself as appropriate. Academy and central Trust staff will use their professional judgement when deciding if an issue, concern or query raised in writing should be seen as a formal complaint. If uncertain, they should seek advice from their line manager. If there is any doubt, please refer the matter to the Principal of the Academy in question or the Director of HR of the Eastern Multi-Academy Trust if the complaint is related to the Trust itself or the Principal of an Academy.

All formal complaints received must be copied to the Trust's Director of HR along with the final report at the conclusion of the investigation. The Director of HR will monitor all complaints across the Trust and report to the Board annually.

### **2. Aims**

- To ensure complaints are listened to, explored and responded to quickly and effectively
- To ensure complaints are dealt with by an appropriately designated person
- To ensure outcomes of complaints are communicated in a timely manner to all relevant parties
- To work in partnership with parents and the community in achieving an effective, improving group of academies

### **3. Principles for Action**

All parents/carers, students, staff and members of the wider community have a right to have complaints properly considered.

- All complaints will be taken seriously, and dealt with impartially and sensitively
- All issues should be addressed resulting in an effective/appropriate response as early as possible

- All complaints should be dealt with in confidence
- All formal written complaints received will be:
  - a) reported to the Principal
  - b) listened to and explored by an appropriate senior member of staff.
  - c) responded to quickly and effectively wherever possible.
  - d) recorded and communicated to staff, parents/carers, students and members of the wider community, as appropriate, so that services can be improved.

#### **4. Stages of the Procedure**

##### **STEP 1 – Informal Stage**

###### **Discussions with Class Teacher/Tutor/Phase Leader or Other Appropriate Person**

Before making a formal complaint, we would suggest that you are clear about your concern and also that you discuss this with an appropriate member of staff. The first point of contact for a specific concern should always be the person you are not happy with. If this is not possible you should explain your concern to your child's Tutor or Year Group / House Leader, who will be able to suggest to whom it is best to speak or may be able to address your concern satisfactorily at that point.

It is preferable if you can agree a time and place to discuss your concerns in peace and quiet rather than at a time when the person concerned is possibly surrounded by other persons, children and/or parents. This could be a telephone conversation at an agreed time. We would expect most problems to be sorted out in this informal way by a frank and open discussion, free from distraction. Please remember that all members of staff wish to help reassure you by listening to you and helping you meet with the most appropriate person.

If the complaint is not by a parent but a member of the local community the Principal's PA or the School Business Manager will carry out Step 1. If the complaint is in relation to a member of the Senior Leadership Team, contact should be made with the Principal's administrative support. If it is about the Trust, a member of central Trust staff or the Principal of an Academy, contact should be made initially with the Trust's Director of HR.

##### **STEP 2 – Formal complaint**

###### **Investigation by a Member of the Senior Leadership Team or Other Appropriate Person**

If, following your informal discussions, you are not happy with the outcome of the informal stage you should put your concerns in writing to the Principal. You should state the outcome which you feel would satisfy your complaint. Your letter will be acknowledged. The Principal will ensure a member of SLT undertakes a full investigation which may require an interview with you or a request for additional written information. Every effort will be made to respect confidentiality. A written reply will be sent to you following the investigation. This will normally take place within 20 working/academy days.

A complaint may result in disciplinary action by the Academy against a member of staff or another student which would be confidential between that member of staff or student and the Academy. Otherwise parents/carers or members of the wider community will be kept fully informed of the handling of any complaint.

###### **Investigating Complaints**

In deciding on who should investigate a complaint at Step 2 the Principal will take into account the potential for unintended bias by nominating a senior member of staff to conduct the

investigation who is not directly responsible for the area or people concerned in the complaint where possible (the Investigating Officer). If the complaint is against the Principal the Trust will nominate an Investigating Officer.

### **The Role of the Investigating Officer**

The Investigating Officer will make sure that they:

- establish the facts - 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 interviews with an open mind and be prepared to persist in the questioning, and
- keep notes of the interviews – a suggested recording template is available in appendix 1
- read back to interviewees any notes and ask them to sign as being an accurate record of the discussion.

Finally, the Investigating Officer will complete an investigation report, based on the evidence gathered. This will include a chronology of events, a summary of their findings and recommendations as a result of the complaint.

If the complaint is about a member of central Trust staff, the Trust's Director of HR will appoint an appropriate Investigating Officer.

It might be that the investigation will be remitted to an external party (that could be an individual from another part of the Trust eg a Principal of another Academy, or an external consultant) due to the nature of the complaint or if senior leaders have been previously involved in the issue.

### **Resolving Complaints**

Once an investigation has begun, it is the role of the Investigating Officer

1. to establish the facts and any pertinent information regarding the issues at hand
2. to establish what is required to resolve the dispute

At this 'Step 2' in the procedure the Investigating Officer will keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is a valid complaint (in whole or in part) without admitting liability. 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 policies in light of the complaint.

Complainants will 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.

At all Steps 1 – 3, the member of staff, the Investigating Officer or the appeal panel will attempt to identify areas of agreement between the parties, and to clarify any misunderstandings that might have occurred in order to create a positive atmosphere in which to discuss any outstanding issues.

### **STEP 3 – Appeal**

If you are not satisfied with the response in Step 2 you can appeal. Any appeal would be heard by a panel of three individuals which will normally include the Principal as set out in the panel membership clause. No member of the panel will have had any prior involvement in the complaint or its investigation. The written appeal should set out precisely why you are dissatisfied and what you wish to be done. You will be invited to attend the Panel Hearing to address the Panel directly and will have the right to be accompanied. This is in addition to any written submission you make. Following the panel hearing you will be sent a formal response informing you of the decision. This process will be completed within a maximum period of 30 working/academy days.

The following process outlines in detail the nature and process of the appeal:

#### **Request**

A request for a complaint to be heard by a Complaints Panel (an appeal) must be made in writing and within ten (10) working days of the date of the Academy or Trust decision made at Step 2 as described above.

#### **Acknowledgement**

Where an appeal is received, the Academy will within (three) 3 working days refer the matter to the Clerk of the Governors/Trust who will act as Clerk to the Complaints Panel. The Clerk will acknowledge, in writing, receipt of the appeal within (three) 3 working days of his/her receipt of the appeal and inform the complainant of the steps involved in the process. The Clerk will be the contact point for the complainant.

#### **Panel Hearing**

The Clerk will aim to convene an Appeal Panel hearing as soon as possible, normally no later than 20 working days after receipt of the Step 3 request.

#### **Panel Membership**

The Panel will consist of two Governors of the relevant Academy or the Board of Directors for the Trust which will normally include the Principal or Chief Executive. None will have previously been involved in the complaint. An additional panel member will be appointed who is independent of the management and running of the Academy or Trust (the process used for selecting the independent person will conform to relevant guidance). This party must be external to the Academy/Trust to ensure independent scrutiny. In deciding the make-up of the Panel, Governors/Board need to try and ensure that it is a cross-section of the categories of Governor and be sensitive to the issues of race, gender and religious affiliation. The Panel will select its own Chair. The Panel will receive a briefing from the Clerk regarding this Policy and the remit of the Panel.

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

The Panel is convened to assess the sufficiency of the evidence gathered and/or reassess the interpretation of the information derived from the investigation. The Panel may also review the investigation process to ensure it was conducted appropriately

The Appeal 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

The aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the Academy and the complainant. The Panel Chair will ensure that the proceedings are as informal as possible.

### **Attendance at Panel**

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

- the parents/carers or member of the wider community and/or one representative
- the Principal and/or one representative
- the Investigating Officer
- any other person who 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

### **Evidence**

The Academy Investigating Officer will provide all information to the Panel including:

- statement of the complaint
- summary of how it was investigated
- the investigation report as detailed above
- all witness statements signed and dated by witnesses as appendices
- dated notes of all meetings conducted as part of the investigation
- full versions of any communications including notes memos and emails relevant to the investigation

All parties will be given the opportunity to submit written evidence to the Panel in support of their position including:

- all relevant documents
- chronology and key dates
- written statements setting out further detail

The evidence will be considered by the Panel along with the initial submission.

All written evidence must be received by the Clerk no later than (five) 5 working days in advance of the Panel Hearing. The Clerk will distribute the evidence to all parties no later than (three) 3 working days in advance of the Panel Hearing.

Some evidence may need to be blanked to anonymise for example witness names or the names of others not involved in the complaint.

### **Roles and Responsibilities**

#### **The Role of the Clerk**

All panels considering complaints must be clerked. The Clerk will be the contact point for the complainant and:

- 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 decisions

## **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 facts are made
- parents or 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 step 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 should be given the opportunity to consider and comment on it.

## **Decision**

The Panel will reach a decision, and make any recommendations within ten (10) working days of the Hearing. The decision reached is final.

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

The Panel's findings will be sent, in writing by the Clerk, to the parents/carers, the Directors and the Principal and where relevant, to the person complained about. The letter will state the reasons for the decision reached and any recommendations made by the Panel.

## **Record Keeping**

The Academy concerned will keep a record of all appeals, decisions and recommendations of the Complaints Panel. These will also be held by the Director of HR, within the central Trust.

## **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. Please see our Persistent Complaints and Harassment Policy.

## **5. Complaints Involving the Principal**

If your complaint involves the Principal of one of the Trust's Academies, you should firstly have direct discussions with the Principal. Where it is not possible to resolve the complaint through discussions you should set out your complaint in writing and send it to the Chief Executive of the Eastern Multi-Academy Trust with a copy to the Principal. The Chief Executive will be responsible for ensuring Step 2 of the procedure is carried out. A written reply will be sent to you following the investigation. This will normally take place within 20 working/academy days.

Step 3 would be undertaken if needed as set out in the panel membership clause.

## **6. Outcomes and Records**

The outcome of any part of the formal process will be notified in writing to the complainant within the timescale indicated. This will also be given, where relevant, to the person complained about.

All documentation relating to any complaint will be held confidentially by the Principal or the central Trust, whichever is applicable, in line with the Trust's Data Protection Policy on document retention.

The Principal will report annually to Governors on complaints dealt with at this level outlining the nature and outcome of complaints so that any changes or improvements needed in the Academy can be implemented. Reports aggregated across the academies and the central Trust itself will also be taken to the Trust's Board of Directors by the Director of HR.

A register will be held by the Director of HR of the central Trust for complaints made against central Trust staff and reported to the Board of Directors annually.

All records of any complaints processes will be made available to the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act if requested.

## **7. Action under Other Trust Policies**

Where necessary and appropriate, the outcome of any complaint against a member of staff investigated under this process may include a referral to other employment policies and procedures eg: Disciplinary, Capability. Any records of this will be held in accordance with that procedure and not with the records relating to the complaint.

Where there is found to be action necessary due to organisational failings or issues, this will be referred to the relevant Trust Committee or Board of Directors for resolution as necessary.

## **8. Recourse to External Parties**

If the Complaints Policy has been exhausted there is no further recourse within the Trust. However, if a complainant is dissatisfied with the response of the Trust they are at liberty to write to the Secretary of State for Education or other appropriate external body.

Appendix 1:

Note of Investigation Interview

Date:

Summary of interview purpose

What has happened so far, and who has been involved;

What is the nature of the complaint

What remains unresolved

What would the complainant feel would put things right;

Who needs to be interviewed as a result of this information?

What other sources of information may be helpful

When is the deadline for the summary report to be returned to complainant?

***Resolving Complaints***

At each step in the procedure the person attempting to resolve the complaint will keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is a valid complaint (in whole or in part) without admitting liability. In addition, it may be appropriate to offer one or more of the following:

- an apology
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- 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 policies in light of the complaint. Complainants will 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.

**Statement Taken by (sign/print date) Statement made by (sign/ print/date)**

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Appendix 2: Witness Statement

Date:

***At all Steps 1 – 3 those hearing the complaint will attempt to identify areas of agreement between the parties, and to clarify any misunderstandings that might have occurred in order to create a positive atmosphere in which to discuss any outstanding issues.***

Witness Statement

**Statement Taken by (sign/print date)**

**Statement made by (sign/ print/date)**

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