

COMPLAINTS POLICY

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Date: March 2023

Status: Statutory



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Summary	The Trust takes very seriously any concern or complaint about education or other services we provide or about the conduct of our staff. We believe that by addressing concerns at the earliest possible stage it allows us to improve relationships, enhance learning, prevent issues escalating and reduce the number of formal complaints we receive.			
Associated Documents	<ul style="list-style-type: none"> Admissions Policy Whistleblowing Policy Records Management Policy 	<ul style="list-style-type: none"> Staff Grievance Policy Staff Disciplinary Policy 		
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Document Owner	Executive Director for Estates & Risk			
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VERSION CONTROL

Version No:	Type of change	Date	Revisions from previous version
0.1	New Document	April 2020	New Policy
1.0	Annual review	Sept 2020	No changes
1.1	Mid-review	Nov 2020	Timelines for complaint stages. Stages for handling complaint updated. Update to legislation
1.2	Mid-review	April 2021	Amendments to sections 10.4a (regulation g) and 11.a (regulation k) Section 6.a and 7.a - page references updated
1.3	Annual review	June 2021	All sections reviewed and checked. Timescales and links to other policies updated.
1.4	Further review	June 2021	Section 3.b vi & vii added Section 5.c updated Section 6.b timeline confirmed Section 8 - timelines added Section 10 - new section added Section 11 - updated with timelines Section 12.a - additional final sentence
1.5	PPWG review	15.6.21	Grammar, punctuation, typos updated.
1.6	Highlighted text	8.10.21	Highlighted text from working document removed.
1.7	Annual Review	Mar 2022	Section 19.d updated to Code of Conduct
1.8	Annual Review	Mar 2023	Document and review dates changed. Cross checked against changes in Code of Conduct and UK Government Best Practice Guidance. Section 14b – reworded for clarity. Appendix C.I - clarification examples added.

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1. STATUS

- a. Statutory.

2. WHAT IS A COMPLAINT?

- a. The Trust takes very seriously any concern or complaint about education or other services we provide or about the conduct of our staff. We believe that by addressing concerns at the earliest possible stage it allows us to improve relationships, enhance learning, prevent issues from escalating and reduce the number of formal complaints we receive.
- b. We define a concern as follows:
 - i. "An expression of dissatisfaction made verbally about any aspect of the Academy or Trust".
- c. We define a complaint as follows:
 - i. "An expression of dissatisfaction made in writing about the standard of service, actions or lack of action by the Academy or Trust affecting an individual or group".
- d. If a concern is expressed verbally, we will try to resolve it using the procedures set out below for dealing with concerns. If a complaint is made in writing, we will use the formal complaints procedure, also set out below.

3. APPLICATION OF THE COMPLAINTS PROCEDURE

- a. Legally, all schools, Academies and Trusts must have a complaints procedure which deals with the handling of complaints from the parents/carers of students. This procedure is for the express use of parents/carers of students.
- b. The complaints procedure will be used to consider any complaints about the Academy / Trust, except those which relate to the following, which have their own statutory procedures:
 - i. Admissions
 - ii. Exclusion of students
 - iii. Special education provision
 - iv. Complaints covered by the Children Act 1989
 - v. Complaints about the allocation of pupil awards and benefits
 - vi. Whistleblowing Policy
 - vii. Staff Grievance or Disciplinary proceedings
- c. In addition, the complaints procedure will not cover complaints which are, or have been, the subject of legal proceedings, or complaints being considered by the Secretary of State for Education under any statutory power.

4. THE TRUST'S PRINCIPLES FOR DEALING WITH CONCERNS AND COMPLAINTS

- a. The Trust will:
 - i. Take all concerns and complaints seriously
 - ii. Make every attempt to resolve concerns by informal means without the need to use formal procedures
 - iii. Publish its complaints procedure, make it easily accessible and simple to understand and use;
 - iv. Be fair, open and honest when dealing with any concern or complaint
 - v. Consider all concerns and complaints and deal with them as swiftly as possible, keeping people informed of progress
 - vi. Resolve any concern or complaint through dialogue and mutual understanding and, wherever possible, put the interests of the child above all other issues
 - vii. Provide sufficient opportunity for any concern or complaint to be fully discussed, and then resolved.
 - viii. Deal with concerns or complaints in an impartial and non-adversarial manner
 - ix. Ensure a full and fair investigation of a complaint is undertaken by a person who has not been directly involved in the matter

- x. Address all the points at issue and provide an effective response and appropriate redress, where necessary
- xi. Respect people's desire for confidentiality
- xii. Use the outcome of a complaint to reflect on the services provided by the Academy / Trust so, if necessary, they can be improved

5. DEALING WITH CONCERNS IN INDIVIDUAL CONSTITUENT ACADEMIES

- a. We recognise that parents and carers will, from time to time, have normal and legitimate concerns about the progress, achievement, behaviour or welfare of their child, or about other matters connected with the Academy.
- b. We encourage parents and carers to make those concerns known to the relevant member of staff so that they can be addressed in partnership with the Academy. Almost invariably, the sooner such concerns are raised, the easier it is for an appropriate resolution to be found.
- c. A concern may be raised with any member of staff. For parents, this would normally be your child's tutor/class teacher or Performance/Progress Leader and for others this would normally be the Academy Headteacher/Principal. Many concerns are resolved immediately but, if this is not possible, a member of staff will respond to you within five (5) working days.
- d. The member of staff will make a written record of the concern that was raised and the date on which it was received. If the matter cannot be resolved within five (5) working days, or in the event that you are not satisfied, you will be advised to proceed to make a formal complaint.

6. MAKING A FORMAL COMPLAINT ABOUT THE ACADEMY

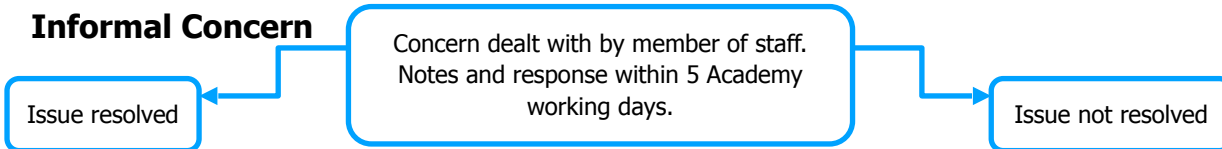
- a. The process for making a formal complaint is set out in section 8 and 9.
- b. Complaints should be brought to the attention of the Academy as soon as possible. A complaint made more than six weeks after the event complained of will not be considered, save in exceptional circumstances, whereby a directed complaint is received which is not subject to Trust set timescales.
- c. The complaint can be made in writing by letter, by using the form in the Complaints Procedure (Appendix A), or in person if written notes are made and countersigned by the complainant. Anonymous complaints will not be investigated, save in exceptional circumstances, as we are unable to respond to the complainant. These circumstances would include serious concerns such as child protection issues or bullying allegations, where the Academy is either required to involve appropriate external agencies or might conduct its own internal review to test whether there is any corroborative evidence which might trigger a formal investigation.

7. MAKING A COMPLAINT ABOUT THE WORK OF THE TRUST

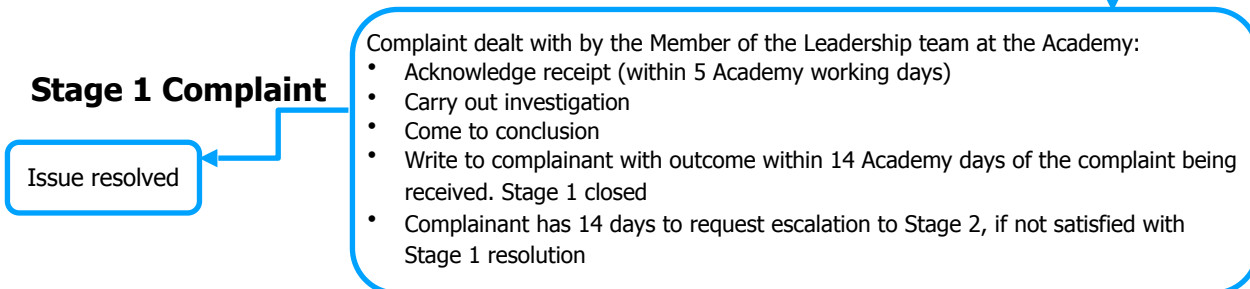
- a. The process for making a formal complaint is set out in section 8 and 9.
- b. Complaints should be brought to the attention of the Chief Executive Officer as soon as possible. The complaint will start at Stage 3 of the process. A complaint made more than six weeks after the event complained of will not be considered, save in exceptional circumstances.
- c. The complaint can be made in writing by letter, by using the form in the Complaints Procedure, or in person if written notes are made and countersigned by the complainant. Anonymous complaints will not be investigated, save in exceptional circumstances, as we are unable to respond to the complainant. (These circumstances would include serious concerns such as child protection issues or bullying allegations, where the Academy is either required to involve appropriate external agencies or might conduct its own internal review to test whether there is any corroborative evidence which might trigger a formal investigation.)

8. COMPLAINT STAGES

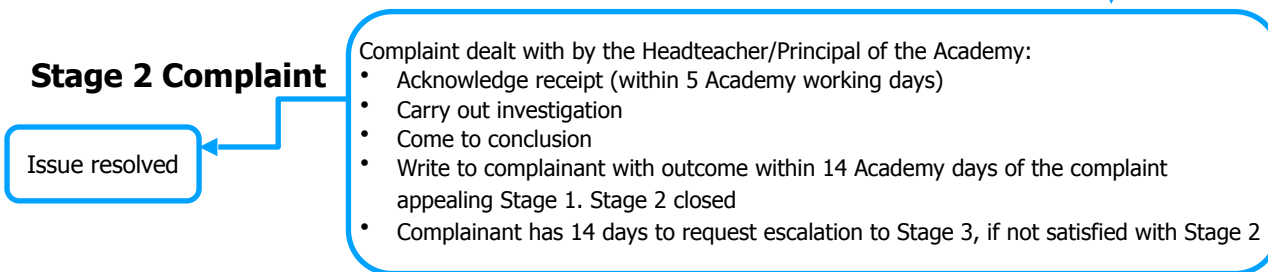
8.1 Informal Concern



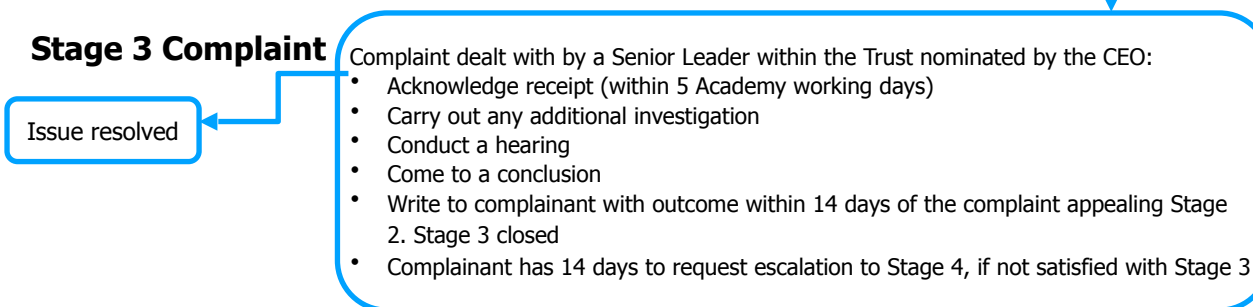
8.2 Stage 1 Complaint



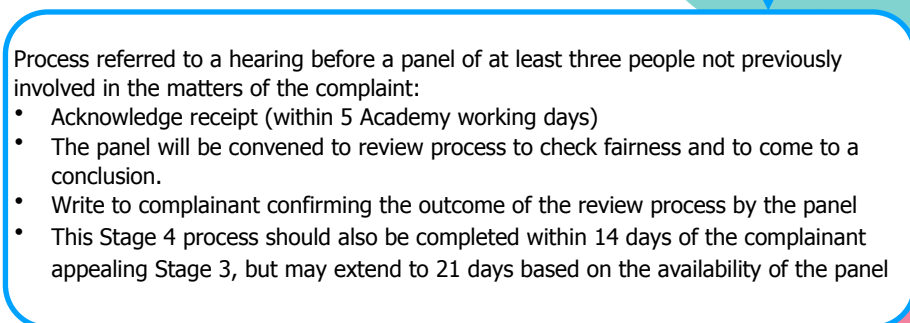
8.3 Stage 2 Complaint



8.4 Stage 3 Complaint



8.5 Stage 4 Complaint



9. WHERE TO SEND YOUR COMPLAINT

- a. You should send your complaint to the Headteacher/Principal of the Academy if the complaint is about an individual Academy.
- b. If the complaint is about the Headteacher/Principal, you should send it to the Chief Executive Officer.
- c. If your complaint is about the wider work of the Trust, it should be sent to the Chief Executive Officer.
- d. If the complaint is about the Chief Executive Officer it should be sent to the Chair of the Board of Trustees.

10. TIMESCALES

- a. A complaint must be raised within six weeks of the incident or, where a series of associated incidents have occurred, six weeks of the last of these incidents. We will only consider complaints made outside of this time frame if exceptional circumstances apply, regarding a directed complaint.
- b. We will consider complaints made outside of term time to have been received on the first academy day after the holiday period.

11. THE STAGE OF HANDLING A FORMAL COMPLAINT

11.1 Stage 1

- a. The complaint will be investigated by an appropriate member of staff, assigned by the Principal/Head Teacher or their representative Senior Leader and, if resolved satisfactorily at this stage, the procedures are completed.
- b. Complainants will be required to confirm a request to escalate the complaint to the next stage, within 14 days of receiving the initial complaint stage 1 response.
- c. If a complainant does not request escalation to stage 2 within 14 days, the complaint will be considered fully closed. Any subsequent complaint will be considered as a new complaint. If the complainant references the previous complaint, specific consideration will be given to relevance of this, by the appointed Investigating Officer and Human Resources.

11.2 Stage 2

- a. If not resolved at Stage 1, the complaint will be investigated by the Headteacher/Principal and, if resolved satisfactorily at this stage, the procedures are completed.
- b. Complainants will be required to confirm a request to escalate the complaint to the next stage, within 14 days of receiving the initial complaint stage 2 response.
- c. If a complainant does not request escalation to stage 3 within 14 days, the complaint will be considered fully closed. Any subsequent complaint will be considered as a new complaint. If the complainant references the previous complaint, specific consideration will be given to relevance of this, by the appointed Investigating Officer and Human Resources.

11.3 Stage 3

- a. If not resolved at Stage 2, the complaint will be investigated by a Senior Leader from the Trust, nominated by the Chief Executive Officer. If resolved satisfactorily at this stage, the procedures are completed.
- b. Complainants will be required to confirm a request to escalate the complaint to the next stage, within 14 days of receiving the initial complaint stage 3 response.
- c. If a complainant does not request escalation to stage 4 within 14 days, the complaint will be considered fully closed. Any subsequent complaint will be considered as a new complaint. If the complainant references the previous complaint, specific consideration will be given to relevance of this, by the appointed Investigating Officer and HR Advisor.

11.4 Stage 4

- a. If not resolved at Stage 3, the complaint will be investigated by a panel consisting of at least three people. One of whom will be a nominated Executive Leader (not directly involved in the matters of the complaint) and, in line with regulation (g) of the Part 7 of the Education (Independent School Standards) Regulations 2014, one panel member is independent of the management and running of the school. The parent / carer will be asked to attend the panel hearing and be accompanied if they wish. This is the final stage of the Trust's complaint process.
- b. If the complaint relates to the Headteacher/Principal, stages 3, and 4 only will be used.
- c. If the complaint relates to the Chief Executive Officer, the Stage 4 panel will be constituted by the Trust Board and will include at least one Trustee, nominated by the Chair of the Board. This panel constitution will not include City Learning Trust Executive Leaders and/or staff.
- d. If a complainant is not satisfied with the process followed by the Trust, the complainant has the recourse to complain about the process to the ESFA.
- e. The ESFA will only consider your complaint if the Academy/Trust:
 - i. does not have a complaints procedure
 - ii. did not provide you with a copy of the procedure when requested
 - iii. does not have a procedure that complies with statutory regulations
 - iv. has not followed its published complaints procedure
 - v. has not allowed its complaints procedure to be completed
- f. The ESFA will not:
 - i. Overturn a decision
 - ii. Re-investigate a complaint
 - iii. Review the accuracy of minutes or documents provided
- g. The link to this ESFA guidance is below:

<https://www.gov.uk/government/publications/complain-about-an-academy/complain-about-an-academy>

12. CONFIDENTIALITY

- a. All complaints will be treated as confidential. Only those members of staff concerned with investigating the complaint will have access to documentation relating to the complaint. In line with regulation (k) of Part 7 of the Education (Independent School Standards) Regulations 2014, correspondence, statements and records relating to individual complaints are to be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them. Dependent upon the nature and level of the complaint, retention of records period may vary. The City Learning Trust Records Management Policy will be referred to with regard to required retention periods for each individual complaint.

13. INVESTIGATING A COMPLAINT

- a. The individuals leading each of the stages of the complaint may delegate the investigation to an appropriately senior member of staff who has no connection with the complaint, but the resolution of the complaint and a decision about any action to be taken rests with the individuals identified as responsible for each stage (per section 10 above).
- b. The person/s investigating the complaint must make sure that they:
 - i. Clarify the nature of the complaint and what remains unresolved
 - ii. Establish what happened so far, and who has been involved
 - iii. Meet with the complainant, face to face, virtually and/or by telephone
 - iv. Meet further with the complainant or contact them (if clarification or further information is necessary)
 - v. Ascertain what the complainant feels would put things right
 - vi. Maintain an open mind
 - vii. Conduct the investigation, analysing any relevant documents and interviewing those who may be involved and allowing them to be accompanied if they wish
 - viii. Keep written records of the investigation

- c. The Academy / Trust will retain written records of all the parts of the investigation at each stage, including notes of all meetings, interviews, discussions and telephone calls, in case the complaint is taken further. Records will be held in line with the Records Management Policy and will vary, in direct correlation to the nature and level of the complaint. The Investigating Officer and assigned HR Advisor will identify the retention period required, in relation to the Records Management Policy, on a case by case basis.

14. RESOLVING THE COMPLAINT

- a. At each stage in the procedure the Academy / Trust will keep in mind ways in which a complaint can be resolved. It may be sufficient to acknowledge that the complaint is upheld in whole or in part. Alternatively, the complaint may not be upheld, and this may be because there is insufficient evidence to substantiate the complaint. To support the resolution, it will usually be appropriate to offer one or more of the following:
 - i. An explanation (especially where the complaint is not upheld)
 - ii. An admission that the situation could have been handled differently or better
 - iii. An apology (which does not imply liability)
 - iv. An assurance that the event complained of will not recur
 - v. An explanation of the mitigation steps that have been taken to ensure that it will not recur
 - vi. An undertaking, if necessary, to review training needs, policies or procedures in light of the complaint
- b. Where, as a result of the complaint, the Academy / Trust takes actions that are themselves confidential, it may be necessary to inform the complainant that the matter has been fully investigated and that the appropriate procedures are being followed (for example, in line with GDPR, where staff disciplinary procedures are being followed).

15. PROVIDING A RESPONSE

- a. All complaints should be provided with a written response which sets out the Academy's/Trust's findings and recommendations within a target period of fourteen (14) days for Stages 1 to 3 and fourteen (14) to twenty-one (21) Days for Stage 4.
- b. The Academy/Trust will keep a record, in line with the Records Management Policy of all actions taken as a result of a complaint, regardless of whether the complaint is upheld or not. The Academy / Trust will keep a written record, in line with the Records Management Policy, of responses to complaints, which indicates at which stage they were resolved. If relevant, the person complained about will also receive a copy of the findings and recommendations.
- c. Where the nature of the investigation is such that the complaint cannot be resolved within these timescales, a holding letter will be sent giving an indication of the date on which a response will be made.
- d. The response must be signed by the Investigating Officer making the resolution, at the relevant stage.
- e. All correspondence, statements and records of complaints will be kept confidentially in line with the Trust's Records Retention Policy, which is available on all Academy websites and the City Learning Trust website.

16. PUBLICATION OF THE COMPLAINTS PROCEDURE

- a. The complaints procedure will be published:
 - i. On the Academy/Trust website
 - ii. In documents supplied to community users including course information and letting agreements (in an abbreviated version)
- b. Paper copies are available upon request

17. WITHDRAWAL OF A COMPLAINT

- a. If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

18. VEXATIOUS COMPLAINTS

- a. Where the Trust considers that a complainant is carrying out unreasonable behaviour, for example, making unduly frequent and/or repeated complaints, the Trust will be entitled to take such action as it thinks appropriate to manage such behaviour. This may include (but is not limited to) placing limits on contact with staff or opting not to invoke this complaints procedure further. Where such action is being considered by the Trust, the complainant will receive a written warning. Should the behaviour persist, the appropriate action will be determined proportionately in light of the nature of the behaviour in question and any other relevant circumstances.

19. LINKS TO OTHER POLICIES

These policies are available via the individual Academy websites.

- a. Admissions Policy

These policies are available via the City Learning Trust website: <https://citylearningtrust.org/our-trust/key-documents-and-information/policies-latest/>

- b. Whistleblowing Policy
- c. Employee Grievance Policy
- d. Employee Code of Conduct
- e. Records Management Policy

20. MONITORING AND REVIEW

- a. This policy has been approved by the Board of Trustees. It will be reviewed by the Policy and Procedures Working Group on an annual basis to ensure continuing compliance.

APPENDIX A

The Academy / Trust Complaint Form

Please complete this form and return it to the Headteacher/Principal/Senior Leader who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name:		
Relationship to pupil:		
Pupil's name:		
Your address:		
.....		
Daytime telephone number:		
Evening telephone number:		
Please give concise details of your complaint, (including dates, names of witnesses etc.), to allow the matter to be fully investigated. You may continue on a separate piece of paper, or attach additional paperwork, if you wish.		
Number of additional pages attached:		
What action, if any, have you already taken to try and resolve your complaint? (I.e. who have you spoken with or written to and what was the outcome?)		
What actions do you feel might resolve the problem at this stage?		
Signature:		Date:
Academy/Trust use Received by:		Date form received: Date and acknowledgement sent by:
Complaint referred to:		
Date:		

APPENDIX B

Guidance for Staff on Dealing with Concerns

- a. Staff who are approached by parents, students or others with matters of concern must assess the seriousness of the issue and, if subject to specific Academy policies (for example over a child protection issue) follow those policies.
- b. If a parent of a child or someone else expresses a concern that is within the remit of that member of staff, then the member of staff should deal with the concern, resolving it where possible. If the member of staff feels unable to deal with the concern, they should listen to the concern, note it down and refer it to the relevant senior member of staff, indicating to the complainant that this is what will happen.
- c. Each situation will be different, but staff members should do all they can to:
 - i. Allay the other persons' fears
 - ii. Take the concerns seriously
 - iii. Remain calm and composed at all times
 - iv. Be fair, open and honest when dealing with any concern or question
 - v. Give careful consideration to all concerns and deal with them as swiftly as possible
 - vi. Enter into dialogue that encourages mutual understanding and, wherever possible, puts the interests of any child above all other issues
 - vii. Respect peoples' desire for confidentiality
 - viii. Ensure any concern raised and actions taken are recorded in line with Academy systems
- c. If the matter has not been resolved amicably by this means, then the member of staff should advise the complainant to make a formal complaint. If necessary, the member of staff should make notes of the complaint and ask the complainant to sign them, so that they become the written complaint.

APPENDIX C

Investigation Procedures for Formal Complaints

- a. The investigation of an allegation or a complaint should always be carried out thoroughly and responsibly, irrespective of whether the complaint appears to be trivial or serious. The investigator must maintain an open mind and not prejudice any situation on the basis of knowledge of past events. The outcome of such an investigation will have considerable significance for the complainant and, where the complaint is against a particular member of staff, for the member of staff against whom the complaint has been made.
- b. Any member of staff against whom a complaint has been made, should be notified that a complaint has been received, provided with a copy of the complaint and be informed that an investigation will be carried out in which his/her views will be sought. This should be within 5 days of the complaint being received.
- c. It is essential that there is a clear understanding of the complaint and what remains un-resolved. If the complaint is not clearly stated, the investigator should clarify the nature of the complaint with the complainant and set out clearly the issue of concern to the complainant that will be investigated.
- d. Once the complaint has been confirmed, the investigator should establish who he/she wishes to interview and what documentation they will need to review. Arrangements should be agreed so that accurate notes can be taken of all interviews and the outcomes of the investigation be accurately recorded.
- e. The complainant and member of staff complained about should be given the opportunity to meet with the investigator, offer documentation and to identify potential witnesses or sources of evidence. Any member of staff subject to the complaint should be advised that they may be accompanied by a friend or a trade union representative when invited to be interviewed.
- f. Where children are potential witnesses, discretion should be exercised over their involvement. Students should only be interviewed when the nature of the complaint is sufficiently serious to warrant it and adult witnesses are not available. Only in extreme circumstances will a younger pupil be interviewed.
- g. Any interviews should be conducted as soon as possible to ensure that recollections are as fresh as possible and to minimise the possibility that evidence will become tainted through witnesses discussing alleged incidents with other persons. A written record must be made of all interviews.
- h. In conducting interviews, the investigator should prepare questions to be asked prior to the interview. These can always be supplemented during the interview. The investigator should allow interviewees to answer in their own way. Their responses should be listened to attentively. Any temptation to cut an interview short or to seek to "lead" them must be resisted. The interviewee should be given the opportunity of providing other relevant information at the end of the interview. It is good practice to ask a complainant what they feel would put matters right, even if this action is not one that is eventually taken.
- i. Interviewees should, however, be advised that their responses must be confined to the substance of the complaint. Any attempt by the interviewee to introduce information relating to other members of staff or to issues unrelated to the complaint should be resisted.
- j. The investigator should avoid reaching conclusions or passing judgement, until the investigation has been completed. The investigator should complete the investigation by creating a summary of the evidence gathered and a preferred outcome for agreement.
- k. Any response letter should include the following information:
 - i. A brief summary of the complainants concerns and the issues that have been investigated;
 - ii. A summary of the process undertaken;
 - iii. The outcome of the investigation;
 - iv. The reasons for that outcome, unless confidentiality would be compromised (in which case a suitably worded conclusion should be provided);
 - v. Any recommendations which, wherever possible, should be constructive and not punitive;
 - vi. Potential next steps.
- l. The response letter should be sent to the complainant. Caution must always be exercised in reporting back to the complainant as revealing certain details may **for example: Breach GDPR and/or** prejudice the ability of the employee to continue in post. Seek advice from HR as required.
- m. The complainant should be advised that he/she may, if they are not satisfied with the response or that the appropriate procedure has been followed, request the complaint is considered at the next stage of the complaints policy. Timescales and Complaint Stages are outlined in Section 8 of this policy.
- n. Following consideration of a complaint at stage 4, the complainant should be advised that the complaint will not be considered further by the Trust.