

Complaints and Concerns Policy

This policy was approved by Trustees as follows –

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ELT Owner: Director of Education

Next review date: July 2019
Author: Governance Manager

Note: This document uses the most current Government information and guidance at the time of writing. It may change according to Government policy. Contact E-ACT Head Office with any questions.

Summary of changes at last review:

- Expansion of the policy to include complaints made by the general public and complaints about the trust.
- Clarification of the role of Ambassadorial Advisory Groups in relation to this policy.
- Clarification of the composition of hearings panels, specifically in relation to the panel members who are independent of the governance and management of the school.
- Removal of the Director of Operations from the policy and the addition of the Deputy Director of Operations to reflect staffing changes.

- Extension of timeframe to request appeal from five working days to ten working days.

E-ACT Concerns and Complaints Policy

1 Introduction

- 1.1 This policy applies to E-ACT (the trust) and all its academies. It may be used by parents/carers or other members of the public to raise a concern with the trust or any of its academies.
- 1.2 At E-ACT we understand that feedback, especially from our parents and pupils, is an essential part of improving our organisation – from the education we deliver to the way we communicate with parents and pupils, and right through to our organisational strategy. We want to encourage parents and pupils to give us feedback, even when the feedback might be something they are not happy about as we can only resolve issues or concerns if we know about them.
- 1.3 We aim to ensure that any concern or complaint is managed sympathetically, efficiently, quickly and at the appropriate level and resolved as soon as possible. We will try to resolve every concern or complaint in a positive way with the aim of putting right a matter which may have gone wrong and, where necessary, we will review our systems and procedures in light of the circumstances of the complaint.
- 1.4 We recognise that a difficulty which is not resolved quickly and fairly can soon become a cause of resentment and so we need to know as soon as possible if there is any cause for dissatisfaction. Parents and pupils should never feel that a complaint will be taken amiss or will adversely affect a pupil or their opportunities at one of our academies. This policy distinguishes between a concern or difficulty which can be resolved informally and a formal complaint which will require investigation.

2 Scope, definitions and legal framework

- 2.1 This policy is written in line with Education Skills and Funding Agency (ESFA) guidance and The Education (Independent School Standards) Regulations 2014 Schedule 1, Part 7.
- 2.2 For the purposes of this policy the following definitions apply:
- **Parent** means a current parent or carer or legal guardian.
 - **You** means the individual making a complaint whether that be a parent or member of the public.
 - **Academy concern/complaint** means a concern raised or complaint made about an E-ACT academy.
 - **Trust concern/complaint** means a concern raised or complaint made about EACT or one of its regional teams.
 - **Working days** mean Monday to Friday when the academy is open during term time for academy concerns/complaints and Monday to Friday, excluding bank holidays or office closure over Christmas for Trust concerns/complaints.
- 2.3 This policy does not apply to complaints made about any of the following as separate procedures apply:
- Admissions to schools¹

¹ Please refer to the academy's admission arrangements on their website.

- Safeguarding²
- Staff grievances and disciplinary procedures³
- Complaints about services provided by other providers who may use academy premises or facilities⁴.
- Whistleblowing⁵
- Exclusion of children from an academy⁶.

3 Safeguarding

3.1 We are committed to safeguarding and promoting the welfare of all its pupils/students. If concerns raised by parents/carers relate to a possible safeguarding issue, the matter will be referred to the designated safeguarding lead on the senior leadership team and will be handled in line with our organisational Safeguarding Policy.

4 Management of complaints

4.1 The trust complaints procedure has three stages:

4.1.1 Stage 1 – Informal Concern: informal raising of a concern or difficulty with a member of staff orally or in writing.

4.1.2 Stage 2 – Formal Complaint: a formal complaint in writing.

4.1.3 Stage 3 – Complaint Hearing: a reference to the complaints panel.

4.2 Further details of the three stages can be found in the Complaints and Concerns Procedure in appendix 1.

5 Confidentiality

5.1 A written record will be kept of all complaints, and of whether they were resolved at Stage 1, Stage 2, or proceeded to a panel hearing. The number of formal complaints registered during the preceding school year is posted on the academy's website.

5.2 Correspondence, statements and records relating to individual complaints will be kept confidential except where access is requested by the Secretary of State or where disclosure is required in the course of a school's inspection or under other legal authority.

5.3 In accordance with data protection principles, details of individual complaints will be kept only for as long as is considered to be reasonably necessary in the circumstances.

6 Anonymous Complaints

6.1 In so far as we are able, we will manage anonymous complaints as we do any other complaint. Anyone considering submitting an anonymous complaint should be aware that there may be instances where our ability to investigate a complaint thoroughly could be hindered by a lack of information – including our ability to speak to the complainant

² Please refer to E-ACT's Safeguarding Policy

³ Please refer to E-ACT's Disciplinary and Grievance Policies

⁴ Providers should have their own complaints procedure to deal with complaints and about service. They should be contact directly.

⁵ Please refer to E-ACT's Whistleblowing Policy.

⁶ Please refer to E-ACT's Exclusions Policy.

directly about their concerns. We will always investigate the complaint as far as we are able on the information given, however we will only feedback on the outcome of any investigation regarding one of our academies to a known parent of a pupil at the academy.

6.2 All investigations of **academy complaints** will be reported internally to the regional education director for full oversight.

6.3 All investigations of **trust complaints** will be reported internally to the deputy director of operations for full oversight.

7 Expectations in relation to raising a concern

7.1 Parents/carers/members of the public who raise either informal concerns or formal complaints with the trust or one of its academies, can expect:

- a) This policy to be available with the other policies on the website.
- b) Response within a reasonable time⁶ and with courtesy and respect;
- c) A staff member to be available for consultation within reasonable time limits bearing in mind the needs of the pupils within the school and the nature of the complaint;
- d) An attempt to resolve problems using reasonable means in line with this policy, and other policies and practice

7.2 In turn, the trust and its academies can expect anyone raising a concern to:

- a) Treat all staff with courtesy and respect;
- b) Respect the needs and well-being of pupils and staff;
- c) Avoid any use, or threatened use, of violence to people or property;
- d) Avoid any aggression, verbal abuse or other intimidating behaviour;
- e) Ensure that written communications state the facts surrounding the concern without using threatening or unpleasant language.
- f) Recognise the time constraints under which members of staff in our academis work and allow the academy a reasonable time to respond;
- g) Recognise that resolving a specific problem can sometimes take some time.

8 Persistent Complainants

8.1 For the purpose of this policy, a persistent complainant is a parent who complains about issues, either formally or informally, or frequently raises issues that the complainant considers to be within the remit of the trust and/or its academies, and whose behaviour is unreasonable. Such behaviour may be characterised by:

- a) Actions which are obsessive, persistent, harassing, prolific, repetitious;
- b) Prolific correspondence or excessive e-mail or telephone contact about a concern or complaint;
- c) Uses Freedom of Information requests excessively and unreasonably

⁶ Response times are set out in the Complaints and Concerns Procedure at Appendix 1.

- d) An insistence upon pursuing unsubstantial complaints and/or unrealistic or unreasonable outcomes;
- e) An insistence upon pursuing complaints in an unreasonable manner;
- f) An insistence on only dealing with the headteacher or senior member of the regional or national team on all occasions irrespective of the issue and the level of delegation in the academy to deal with such matters;
- g) An insistence upon repeatedly pursuing a complaint when the outcome is not satisfactory to the complainant but cannot be changed, for example, if the desired outcome is beyond the remit of the trust or its academies because it is unlawful.

8.2 For the purpose of this policy, harassment is the unreasonable pursuit of such actions as in (a) to (g) above in such a way that they:

- a) Appear to be targeted over a significant period of time on one or more members of academy staff and/or
- b) Cause on-going distress to individual member(s) of academy staff and/or
- c) Have a significant adverse effect on the whole/parts of the academy community and/or
- d) Are pursued in a manner which can be perceived as intimidating and oppressive by the recipient. This could include situations where persistent demands and criticisms, whilst not particularly taxing or serious when viewed in isolation, have a cumulative effect over time of undermining confidence, well-being and health.

8.3 The academy's actions in cases of persistent or vexatious complaints or harassment:

8.3.1 In the first instance the trust/academy will communicate either in writing or verbally (confirmed with a letter) to inform the complainant that his / her behaviour is considered to be becoming unreasonable / unacceptable and, if it is not modified, action may be taken in accordance with this policy.

8.3.2 If the behaviour is not modified the trust/academy will take some or all of the following actions as necessary, having regard to the nature of the complainant's behaviour and the effect of this on the academy community:

- a) Inform the complainant in writing that his/her behaviour is now considered by the trust/academy to be unreasonable/unacceptable and, therefore, to fall under the terms of this section of the policy;
- b) Inform the complainant that all meetings with a member of staff will be conducted with a second person present and that notes of meetings may be taken in the interests of all parties;
- c) Inform the complainant that, except in emergencies, all routine communication with the complainant to the trust/academy should be by letter only;
- d) In the case of physical, or verbal aggression or other forms of intimidating behaviour, take appropriate advice and consider warning the complainant about being banned from the school site; or proceed straight to a temporary ban;
- e) Consider taking appropriate advice on pursuing a case under antiharassment legislation;

- f) Consider taking advice from the HR / legal services about putting in place a specific procedure for dealing with complaints from the complainant, i.e. the complainant will not be able to deal directly with the headteacher but only with a third person, to be identified by the regional education director, who will investigate, determine whether or not the concern / complaint is reasonable or vexatious and then advise the headteacher accordingly.
- 8.3.3 In the event of extreme situations or events, the trust/academy may take the decision to move implementing one of the above steps immediately. In this situation the complainant will be informed in writing.
- 8.3.4 The headteacher and SLT will keep the regional education director informed at all times regarding any cases of vexatious complaints or harassment.
- 8.3.5 Legitimate new complaints will still be considered, even if the person making them is, or has been, subject to sections 5 and 6 of this policy. However, advice should be sought from the deputy director of operations who will ensure that the appropriate HR/ legal advice is received. If a complainant's persistent complaining/harassing behaviour is modified and is then resumed at a later date within a reasonable period of time, the trust/academy may resume the process identified above at an appropriate level. In these circumstances, advice may be sought from the HR/legal services the trust subscribes to.

9 Complaints to the Education and Skills Funding Agency

9.1 The Education and Skills Funding Agency (ESFA) has a responsibility to ensure that academies comply with their funding agreements. If ESFA receives a complaint regarding the academy or the trust it will check whether the complaint has been dealt with properly. ESFA will consider complaints about E-ACT or its academies that fall into any of the following three areas:

- a) where there is undue delay or the trust/academy did not comply with its own complaints procedure when considering a complaint
- b) where the trust/academy is in breach of its funding agreement with the Secretary of State
- c) where the trust/academy has failed to comply with any other legal obligation

9.2 ESFA will not overturn an academy or trust's decision about a complaint. However, if ESFA find that an academy or the trust did not deal with a complaint properly they will request the complaint is looked at again and procedures meet the requirements set out in the Regulations.

9.3 If any of the issues listed in 7.1 a) – c) apply, the Education and Skills Funding Agency can be contacted via:

- via the Department for Education's **schools complaints form**
- by post to Ministerial and Public Communications Division
Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD

10 Ambassadorial Advisory Groups (AAGs)

10.1 All academy AAGs have a remit of celebration, community, communication and complaints/concerns. Each academy and its AAG must consider what role academy ambassadors will play in relation to academy complaints (in line with this policy) and must publish these arrangements on their website in conjunction with this policy.

10.2 This may involve, for example:

- *Ambassadors supporting resolution of informal concerns by holding 'parent surgeries' or similar, where concerns can be raised with ambassadors.*

Ambassadors are not necessarily expected to resolve issues and any involvement within the informal stages of the complaints process must be within a framework agreed by the academy and AAG. Any ambassador who is involved at any stage in the complaints process must be trained to recognise safeguarding concerns.

- *Receiving confidential and anonymised termly briefings from the Headteacher on complaints received at stage 2 and stage 3 to improve ambassadors understanding of the complaints process and any patterns/trends in order to help them better perform in their role as advocates of the school.*
- *Use of ambassadors to investigate complaints on behalf of the headteacher, where appropriate.*

Headteachers asking an ambassador to undertake an investigation must assure themselves that the ambassador has the appropriate skills and experience to undertake the investigation. Headteachers must also ensure that the ambassador receives necessary support and information from the school during the course of the investigation.

Any ambassador undertaking an investigation must be given a clear written brief from the Headteacher setting out: scope of the investigation; investigation timeframes; format for reporting findings; and, who findings should be reported to.

Ambassador participation on complaints panels

10.3 From time to time Ambassadors may be asked to sit on complaints panels for their academy or another E-ACT academy. When inviting ambassadors to sit on panels the RED and/or Headteacher must give due consideration to any potential conflicts of interest in relation to the ambassadors participation.

10.4 Ambassadors are able to decline invitations to participate on panels and are not required to give a reason for declining.

11 How we monitor and report on complaints internally

11.1 In order to understand how we can improve our services and processes and also to ensure that we are responding to and managing complaints appropriately and consistently across the organisation, we record all complaints and review termly reports on complaints activity, as follows:

1. The academy is required to keep a register of all stage 1 complaints received.
2. The regional coordinator is required to keep a register of all stage 2 and 3 complaints.

3. Every six weeks at our regional performance board meetings, the regional education director and regional operations director is required to report on complaints received at the academies in its regions.
- 11.2 These reports will help us understand what types of issue parents and pupils are concerned about, as well as being able to monitor whether we are responding to complaints appropriately as an organisation and making necessary improvements following on from complaints.
- 11.3 Each year trustees will receive an annual complaints report which will also be published on the trust website.
- 11.4 Please note, in line with data protection and confidentiality, no personal details relating to complaints will be passed on as part of the complaints reports. Personal details will only be shared internally where it essential for responding to and resolving the complaint.

Appendix 1

E-ACT Concerns and Complaints Procedure

This procedure supports the E-ACT Concerns and Complaints Policy. It sets out how someone may raise a concern or make a complaint and what can be expected at each stage of the process, which are:

- Stage 1: Dealing with concerns informally
- Stage 2: Making a formal complaint
- Stage 3: Requesting a complaints panel hearing.

Stage 1: Dealing with concerns informally

1 Informal resolution of a concern

1.1 We expect that most concerns can be resolved informally. For example, dissatisfaction about some aspect of teaching or pastoral care or a billing error should be able to be resolved by the relevant member of staff. Complaints of discrimination, harassment or victimisation are taken very seriously and may need to be dealt with at Stage 2 without action at Stage 1.

2 Who to contact

2.1 Where appropriate, concerns should initially be raised as follows:

1. **Educational issues:** if the matter relates to the classroom, the curriculum or special educational needs, please speak or write to the relevant form teacher or head of year.
2. **Pastoral care:** for concerns relating to matters outside the classroom, please speak or write to the form teacher or head of year.
3. **Disciplinary matters:** a problem over any disciplinary action taken or a sanction imposed should be raised first of all with the member of staff who imposed it.
4. A member of the public wishing to raise an **academy concern** should refer to the contact Sue Coleman at Sue.Coleman@E-ACT.org.uk.
5. A member of the public wishing to raise a **Trust concern** (i.e. one that relates to the trust rather than an academy) may contact the governance manager at Governance.Team@E-ACT.org.uk

2.2 When a concern is raised, we can help more quickly if you provide information which makes it clear what the main issue is and explains how you wish the trust/academy can help.

2.3 A concern provided in writing will be acknowledged by telephone, fax, email or letter within two working days of receipt during term time and as soon as practicable during the holidays. A matter raised orally will not necessarily be acknowledged in writing.

- 2.4 A concern which has not been resolved by informal means within 15 working days should be notified in writing as a formal complaint using the procedure set out in stage 2.
- 2.5 We aim to respond to any concern within three working days to say what the outcome is or what we will do next.
- 2.6 If you are not satisfied with the outcome of the informal stage, they can make a formal complaint within ten working days of the trust/academy's decision about their complaint.

Stage 2: Making a formal complaint

1 How to make a formal complaint

1.1 If you are dissatisfied with the response to the complaint under Stage 1, or the complaint requires investigation or involves dissatisfaction with some aspect of the trust/academy's policies or management, the complaint should be made under Stage 2.

1.2 Academy complaints

1.2.1 The full details of the complaint should be set out in writing and sent with all relevant documents and full contact details to the regional coordinator, who will ensure that the complaint is passed to either: a) The appropriate headteacher

b) (in the event the complaint is about the headteacher) the regional education director.

1.2.2 The regional coordinator is the first point of contact for all complaints made at Stage 2 or Stage 3 in order to help ensure that complaints are dealt with consistently, efficiently and to a high standard across all academies within the region, as well as ensuring that there is a record of all formal complaints.

1.3 Trust complaints

1.3.1 Members of the public making a formal complaint regarding the trust, rather than an academy, should send their complaint to the governance manager at Governance.Team@E-ACT.org.uk

1.4 All formal complaints will be acknowledged by telephone, email or letter within two working days during term time, and as soon as practicable during the holidays, indicating the action that is being taken and the likely time scale.

2 Investigation

2.1 Academy complaints

2.1.1 The headteacher may ask a senior member of staff to act as investigator or may ask a member of the academy's Ambassadorial Advisory Group (AAG) to undertake the investigation. The regional education director or regional operations director reserves the right to appoint an investigator if the Headteacher's appointment is not appropriate. All stage 2 complaints received

by the regional coordinator must be reported to the regional education director within one working day of receipt.

2.1.2 If the complaint is about the headteacher, the regional education director may as a member of the educational or operational regional team to undertake the investigation, or may ask a member of the AAG to undertake the investigation.

2.2 Trust complaints

2.2.1 The deputy director of operations (DDO) will investigate the complaint or appoint another member of the national team to act as investigator in line with the Scheme of Delegation.

2.3 The investigator(s) may request additional information from you and will probably wish to speak to you personally and to others who have knowledge of the circumstances. Written records will be kept of all meetings and interviews held in relation to the complaint. The investigator(s) will prepare a report on the investigation which will be considered by the headteacher or the director of finance and resources.

3 **Decision**

3.1 The headteacher/regional education director/director of finance and resources will then notify you by telephone, email or letter of their decision and the reasons for it within 10 working days from the receipt of the complaint. Where there are exceptional circumstances resulting in a delay, you will be notified of this and informed of the new timescales as soon as possible.

3.2 Any complaint received within one week of the end of a term or half term is likely to take longer to resolve owing to the presence of school holidays and the unavailability of personnel required for the investigation to be undertaken properly.

3.3 **Please note:** Where a complaint is made by a parent in the EYFS setting, the complaint will be investigated in accordance with this procedure and you will be notified of the outcome within 28 days of the complaint being received.

Stage 3: Requesting a complaints panel hearing

1 **What is a complaints panel hearing?**

1.1 A complaints panel hearing is a review of the decisions taken after investigation of the complaint. The panel will not consider any new areas of complaint which have not been previously raised as part of the complaints procedure.

1.2 The role of the panel is to establish the facts surrounding the complaints that have been made and to reach a decision, on the balance of probability, as to whether the complaint has been handled properly by considering:

1. the documents provided by both parties; and
2. any representations made by you, and the academy/trust.

1.3 It is not within the powers of the panel to make any financial award, nor to impose sanctions on staff, pupils or parents. The panel may make recommendations on

these matters or any other issues to the headteacher and / or to the regional education director, as appropriate.

2 How to request a complaints panel hearing

2.1 A request for a hearing before the complaints panel must be put in writing to the regional co-ordinator (academy complaints) or governance manager (trust complaints) within ten working days of the stage 2 decision being communicated.

2.2 The written request should include:

1. a copy of all relevant documents and full contact details;
2. details of all the grounds of the complaint and the outcome desired;
3. a list of the documents which the parents believe to be in the trust/academy's possession and wish the panel to see; and
4. whether you wish to be accompanied to the hearing by someone who is legally qualified (see paragraph 3.4 below).

2.3 If assistance with the request is required, for example because of a disability, please inform the regional coordinator/governance manager will be happy to make appropriate arrangements.

2.4 You have the right to attend the panel hearing and may be accompanied by another person, for example a relative, teacher or friend.

2.5 The regional coordinator/governance manager will acknowledge the request for a hearing in writing within two working days of receipt during term time and as soon as practicable during the holidays.

2.6 Every effort will be made to enable the hearing to take place within 15 working days of receipt of the request. However, note that the panel will not normally sit during half terms or academy holidays.

3 Planning the hearing

3.1 A panel clerk appointed will be appointed (usually the regional coordinator or, for trust complaints, a member of the governance team) to arrange the hearing, including coordination of all paperwork and taking minutes at the hearing.

3.2 As soon as reasonably practicable, and in any event at least ten working days before the hearing, the panel clerk will send written notification to each party of the date, time and place of the hearing.

3.3 Copies of any additional documents you wish the panel to consider should be sent to the panel clerk to be received at least five working days prior to the hearing.

3.4 You may be accompanied to the hearing by another person, for example a relative, teacher or friend. The panel hearing is not a legal proceeding and so legal representation is not usually necessary. If you do wish to be accompanied by someone who is legally qualified, you should have notified the regional coordinator/governance manager of this in your initial request for a panel hearing. If you did not do so and you wish to be accompanied by a legally qualified person, you must inform the panel clerk of this at least five working days prior to the hearing.

3.5 The panel clerk will circulate a copy of the bundle of documents to be considered by the panel to all parties at least three working days prior to the hearing.

4 Composition of the Panel

4.1 The panel for either academy or trust complaints will normally comprise three individuals who have no detailed prior knowledge of the circumstances of the complaint.

4.2 The composition of the panel and the role of the Chair is set out in E-ACT's Scheme of Delegation.

4.3 For academy complaints relating to academy senior leadership (or roles below this), the panel must include at least one independent member who has no connection with the governance, management and running of the academy or the trust, this should be a member of the academy AAG or another E-ACT AAG.

4.4 Although the minimum required is at least one independent member, the panel clerk must endeavour to find two independent members to form part of the panel as a matter of good practice. The second independent member may be another academy ambassador, a member of staff from another E-ACT academy or even a member of staff or governor from another school in the borough. If it is not possible to find a second independent panel member the reasons why must be recorded in the hearing documentation.

4.5 You may ask the panel clerk to tell them who has been appointed to sit on the panel ahead of the hearing. The panel clerk must consult the trust's Scheme of Delegation to ensure that the panel composition is correct based on whom the complaint is about. **5 The Panel hearing**

5.1 The hearing will be conducted in an informal manner.

5.2 All those present at the hearing shall have the opportunity to ask questions and make comments in an appropriate manner. The hearing is not a legal proceeding and the panel shall be under no obligation to hear oral evidence from witnesses but may do so and / or may take written statements into account.

5.3 At the hearing, the panel will, in general:

- Explain the purpose of the hearing and the procedure;
- Invite you to explain your complaint and ask you further questions;
- Invite the investigator and Stage 2 lead to explain how they handled the complaint;
- Question any witnesses.

5.4 All statements made at the hearing will be unsworn. All present will be entitled, should they wish, to write their own notes for reference purposes.

5.5 All those attending the hearing are expected to show courtesy, restraint and good manners or, after due warning, the hearing may be adjourned or terminated at the discretion of the Chair. If terminated, the original decision will stand. Any person who is dissatisfied with any aspect of the way the hearing is conducted must say so before the proceedings go any further and their comment will be minuted.

5.6 The Chair may, at their discretion, adjourn the hearing for further investigation of any relevant issue. This may include an adjournment to take legal advice.

- 5.7 A hearing before the complaints panel is a private proceeding. No notes or other records or oral statements about any matter discussed in or arising from the proceeding shall be made available directly or indirectly to the press or other media.

6 The decision

- 6.1 The panel will reach a decision on a balance of probabilities unless there is an agreed position.
- 6.2 The decision, findings and any recommendations will be confirmed in writing to you by electronic mail, normally within five working days of the hearing. If you do not wish to receive the decision by electronic mail, please inform the panel clerk of this and a copy will be given or posted to you.
- 6.3 The decisions, findings and any recommendations will also be available for inspection by the Board of Trustees, the Executive Leadership Team, the Regional Team and the headteacher.
- 6.4 This represents the conclusion of the E-ACT's complaints procedure.
- 6.5 If you are still dissatisfied with the outcome of your complaint you may be entitled to complain to the Education and Skills Funding Agency, as set out in section 9 of the Concerns and Complaints Policy.

