

## **STAFF-09-COMPLAINTS-00**

### **1 INTRODUCTION**

- 1.1 The Trust is committed to providing a first-class education for all our students and to working closely with parents, carers and other stakeholders in a spirit of partnership. It aims to be able to resolve any issues with parents, carers and other stakeholders without recourse to formal procedures but recognises that they have the right to make formal complaints and to have these complaints taken seriously.
- 1.2 The aim of this Complaints Policy is to ensure that a concern, difficulty or complaint is managed sympathetically, efficiently and at the appropriate level with resolution being achieved as soon as possible. Doing so is good practice, fair to those concerned and helps to promote confidence in the School's ability to safeguard and promote welfare. The Trust will try to resolve every concern, difficulty or complaint in a positive way with the aim of putting right a matter which may have gone wrong and, where necessary, reviewing the Trust's systems and procedures in the light of the matters raised.
- 1.3 The Trust needs to know as soon as possible if there is any cause for dissatisfaction. The Trust recognises that a concern or difficulty which is not resolved quickly and fairly can soon become a cause of resentment, which can be damaging to the relationship between the Trust and the complainant and can also have a detrimental effect upon the Trust's ethos and culture.

### **2 ROLE OF TRUST BOARD AND COMMITTEES**

- 2.1 The Trust Board has overall responsibility for ensuring compliance with all relevant standards.
- 2.2 The Trust is an academy and is therefore governed by the latest Education (Independent School Standards) (England) Regulations 2010. This Complaints Policy has been formulated to comply with these Regulations (as well as Equality legislation and the Rules of Natural Justice).
- 2.3 This policy has been developed in conjunction with the full Trust Board, which retains overall responsibility for the wider strategy of the Trust.
- 2.4 This policy is to ensure compliance with the legal responsibilities of the Trust and staff, to safeguard the reputation of the Trust and to ensure the safety of all users.

### **3 ROLE OF PRINCIPAL AND SENIOR LEADERSHIP TEAM**

- 3.1 The Principal and the Senior Leadership Team are responsible for ensuring that this policy and its associated procedure are followed when a complaint is received.



#### **4 WHAT THIS POLICY COVERS**

- 4.1 It applies to all concerns, difficulties and complaints other than those involving safeguarding issues.
- 4.2 This Complaints Policy distinguishes between a concern or difficulty, which can usually be resolved informally, and a formal written complaint to the Principal which will require further investigation initially at Stage 2 of the Policy.
- 4.3 **Any concerns or complaints relating to a safeguarding issue should be made immediately direct to the Designated Safeguarding Lead (DSL).**

#### **5 TERMS USED**

- 5.1 "Parent" includes the natural or adoptive parent of a student, irrespective of whether they are or ever have been married, whether they are separated or divorced, whether the student lives with them, whether the father or mother has parental responsibility for the student or whether they have contact with the student.  
A "parent" will also include a non-parent who has parental responsibility for a student, an adult non-parent with whom the student lives, and an adult who is involved in the day-to-day care of the student (for example, collecting or dropping off the student from Trust).
- 5.2 "Student" is a present, prospective or former student of the Trust.
- 5.3 "Stakeholder" is any person who has dealings with the Trust.
- 5.4 "Complainant" is the person making a complaint.
- 5.5 "Investigating Officer" is the person investigating the complaint.
- 5.6 "Chair" or "Vice Chair" is used to describe the role of the Trustee within the Trust Board.
- 5.7 "Trustee"/"Trust Board" are used interchangeably to refer to a member or the collective whole of the Trust Board.
- 5.8 "School day" is defined as a weekday during term time, when the Trust is open to students for study. This excludes weekends, school holidays and bank holidays. Term dates are published on the Trust's website, and information about term dates is made available to parents and students periodically.
- 5.9 "DPA" refers to the Data Protection Act (2018)
- 5.10 "GDPR" refers to the General Data Protection Regulations (UK GDPR)
- 5.11 "SAR" refers to a "Subject Access Request" which is when a request for information on a living individual is requested.
- 5.12 "FOI" refers to the Freedom of Information Act (2000). The information received from this request cannot identify, or lead to the identification of, a living individual.

## **6 RULES OF NATURAL JUSTICE**

6.1 The rules of natural justice relate to fairness.

6.2 The Trust will ensure that all concerns, difficulties or complaints are dealt with in accordance with the following principles:

- all parties will be provided with all information and documentation judged pertinent to the matters raised;
- all parties will be given the opportunity to prepare and present their case and respond to the other parties involved;
- all persons investigating and making decisions in relation to the matters raised will be impartial and will do so without bias (or apparent bias) to any party involved;
- all decisions made will be made on a balanced and considered assessment of the information before him or her only;
- all decisions made will be based upon logical conclusions, and not based on mere speculation or suspicion;
- all decisions made will be supported by reasons which will be disclosed to all parties involved.

## **7 EQUALITY ACT 2010**

7.1 The Trust will deal with concerns, difficulties and complaints in accordance with its duty under the Equality Act 2010 to have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and other conduct prohibited by the Equality Act 2010;
- Advance equality of opportunity between those who share a relevant protected-characteristic<sup>1</sup> and those who do not, by having regard to the need to:
  - remove or minimise disadvantages connected to a relevant protected-characteristics
  - take steps to meet the different needs of those sharing a relevant protected-characteristics
  - encourage those who share a relevant protected characteristic to participate in Trust life and activities in which participation is disproportionately low
  - foster good relations between those who share a relevant protected characteristic and those who do not, by having regard to the need to tackle prejudice and promote understanding.

7.2 In addition, the Trust will comply with its duty to make the following reasonable adjustments for persons with a disability:

- Where a provision, criterion or practice places a disabled person at a substantial disadvantage compared to person who is not disabled, reasonable steps must be taken to avoid that disadvantage;
- Where a disabled person would, but for the provision of an auxiliary aid, be placed at a substantial disadvantage compared with a person who is not disabled, reasonable steps must be taken to provide the auxiliary aid. An auxiliary aid can be a piece of equipment or a service.

---

<sup>1</sup> "Relevant Protected Characteristic" includes sex, race, disability, religion/belief, sexual orientation, gender reassignment, pregnancy and maternity, and (for people who are not students) age.

- 7.3 If a Complainant or other person involved in the Complaints procedure requires an interpreter, a signer or any other assistance at meetings or at a Complaint Panel Hearing, they should let the Trust know immediately.
- 7.4 Further details can be found in the Trust's Equality Policy.

## **8 COMPLAINTS ABOUT THE PRINCIPAL**

- 8.1 If a complaint is about the conduct of the Principal, the Chair of Trust Board will investigate the complaint under **Stage 2** of this Complaints Policy instead of the Principal.
- 8.2 The Vice-Chair of Governors (or designate) will review the complaint under **Stage 3** of this Complaints Policy instead of the Chair of Governors.

## **9 COMPLAINTS ABOUT THE TRUST BOARD**

- 9.1 The Trust Board are bound by the Code and Conduct for the Trust Board, a copy of which is available on the Trust website, or by request from the Clerk to the Trust Board.
- 9.2 Any complaints about the conduct of individual Trustees should be made in writing to the Chair of the Trust Board detailing the grounds for complaint. The Chair will acknowledge receipt of the complaint within **5 working days** and will investigate the matter over the next **10 working days**.
- 9.3 Following completion of the investigation, the Chair will respond directly to the complainant with the findings of that investigation.
- 9.4 Complaints about the Chair should be made in writing to the Vice-Chair who will follow the same process as above.

## **10 TIME LIMITS**

- 10.1 The Trust aims to resolve concerns, difficulties and complaints in a timely manner.
- 10.2 Time limits for each stage of the procedure are set out under each individual stage
- 10.3 Although every effort will be made by the Trust to comply with the time limits specified under each stage of the procedure, it may not always be possible to do so, for example due to the complexity or number of matters raised, or due to the unavailability of the Complainant to attend a meeting, if offered. In all cases, **where a time limit cannot be complied with, the Trust will write to the Complainant within the specified time limit, setting out the reasons why the time limit cannot be complied with, and confirming the new time limit which will apply.**



## **11 LATE COMPLAINTS**

- 11.1 The Trust will not usually consider complaints made more than 6 months after the alleged matter has taken place. However, the Trust is willing to consider exceptions to this time limit in special circumstances.
- 11.2 Where the Trust decides that a complaint which was submitted late will not be investigated, the Trust will write to the Complainant notifying them of the decision within **five school days** of the complaint being received.
- 11.3 If the Complainant is unhappy with the decision not to investigate a complaint which was submitted late, the Complainant may write to the Chair of the Trust Board asking for the decision to be reviewed. The Chair will be provided with all documentation relating to the complaint, together with the letter from the Trust to the Complainant, and will review the decision not to investigate the complaint. The Chair will **not** investigate the complaint itself during this review.
- 11.4 The Chair will write to the Complainant with the outcome of the review within **10 school days** of the date that the letter from the Complainant seeking the review was received, and provide the Trust with a copy of the letter.
- 11.5 If the Chair quashes the decision not to investigate the complaint, it will be referred to the Trust to be dealt with under this Complaints Policy in the usual way.
- 11.1 If the Chair upholds the decision not to investigate the complaint, the Complainant may refer the concern or complaint to the Department for Education using the procedure stated towards the end of this Complaints Policy.
- 11.2 In exceptional circumstances, the Chair can delegate the responsibility for the review to the Vice-Chair of Governors

## **12 VEXATIOUS OR REPEATED COMPLAINTS**

- 12.1 The complaints procedure will limit the number of complaints that become protracted. However, there may be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied.
- 12.2 If the complainant tries to reopen the same issue, the Chair will inform them in writing that the procedure has been exhausted and that the matter is now closed.
- 12.3 The Trust also has an 'Unreasonable Complainants Policy' which outlines the actions that can be taken by the Trust in these circumstances.

## **13 ANONYMOUS COMPLAINTS**

- 13.1 The Trust will not investigate anonymous complaints.
- 13.2 Anonymous complaints will be referred to the Principal who will decide what, if any, action should be taken.



## **14 DATA PROTECTION AND FREEDOM OF INFORMATION**

14.1 Complaints may include requests for information or documentation. These are either SARs or FOIs.

14.2 The Trust will aim to provide requested information as soon as practicable (where the request is valid and the Complainant is lawfully entitled to the information or documentation) in accordance with the rules of natural justice:

- SARs must be responded to within 15 school days
- FOI requests must be responded to within 20 school days

14.3 Further details can be found in the Trust's Data Protection Policy.

## **15 RESOLUTION PRINCIPLES**

15.1 It is in everyone's interest that concerns, difficulties and complaints are resolved to the satisfaction of all parties at the earliest possible stage. The way in which the concern, difficulty or complaint is dealt with after the matter is first raised by the Complainant can be crucial in determining whether the complaint will escalate. To that end, members of staff will be periodically made aware of the procedure in this Complaints Policy, so that they will know what to do when a concern or difficulty is raised with them.

15.2 At each stage of the Complaints procedure, the person investigating the complaint will:

- establish 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.

15.3 In considering how resolution could be achieved, the investigator will give due regard to the seriousness of the complaint. To bring the complaint to a resolution, it **may** be appropriate for the investigator to offer:

- 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 the Trust's policies in light of the complaint.

15.4 None of the above will constitute an admission of negligence or an acceptance of liability on behalf of the Trust.



## **16 OUTCOME PRINCIPLES**

16.1 Examples of outcomes include:

- There was insufficient evidence to reach a conclusion, so the complaint cannot be upheld;
- The investigation did not substantiate the matters raised, so the complaint cannot be upheld;
- The complaint was substantiated in part or full. A description should be given of the remedial action being taken by the Trust resulting from the complaint. **Details of any disciplinary action or sanctions to be taken against a member of staff are strictly confidential and cannot be disclosed.**

16.2 The matter has been fully investigated and consequently further confidential procedures are being pursued. **Details of any disciplinary action or sanctions to be taken against a member of staff are strictly confidential and cannot be disclosed.**

## **17 RETENTION OF RECORDS**

17.1 A full written record will be maintained centrally at the Trust of all complaints resolved under Stage 2 to 4 in accordance with the Trust's record retention procedures.

## **18 CONFIDENTIALITY**

18.1 All correspondence, statements and records relating to individual complaints will be kept confidential except where access is requested by the Secretary of State, a school inspector, or under another legal authority.

## **19 PUBLICATION**

19.1 This Complaints Policy has been ratified by the Trust Board, and will be reviewed annually.

19.2 It will be published on the Trust's website and provided on request by the Trust's office. A copy of this Complaints Policy will be provided to a Complainant when a concern, difficulty or complaint is first raised.

## **20 TRUST BOARD REVIEW**

20.1 The Trust Board will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary.

20.2 Complaints information shared with the whole Trust Board will not name individuals.

## **21 PROCEDURE**

21.1 The Procedure for the Complaints Policy is detailed in STAFF-P09-1-Complaints Policy – Complaints-00.

21.2 There are four stages in this procedure:

- Stage 1 – Concerns and difficulties, dealt with informally;
- Stage 2 – Complaints formally investigated by the Principal (or designate);
- Stage 3 – Complaints formally reviewed by the Chair (or designate);
- Stage 4 – Complaints' Panel Hearing.



## 22 AUTHOR

22.1 The author of this policy is the Principal. They should be contacted for any points of clarification or suggested future amendments.

## 23 VERSION CONTROL

<b>Policy Number</b>	STAFF-09
<b>Policy Name</b>	Complaints
<b>Version Number</b>	00
<b>Publication Method</b>	External  A copy must be made available in U:\Staff Information\Policies\STAFF
<b>Approved by</b>	Full Trust Board
<b>Date of Approval</b>	May 2022
<b>Key changes since previous version</b>	<ol style="list-style-type: none"><li>1. Reformatting to current standards</li><li>2. Clarity on deadlines for responding to SAR and FOI requests</li></ol>
<b>Next Review Date</b>	May 2023