

The Canterbury Academy Trust

Schools for all the Talents



Name of policy:	Complaints Policy
Document owner:	Claire Crane
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Additional notes:	<p>June 2016 was requested by the EFA to make adaption</p> <p>Located on the school website and on the staff intranet.</p> <p>Quick reference flowchart available on the staff intranet</p> <p>Complaints co-ordinator is Claire Crane</p>
Number of pages:	13

The Canterbury Academy Trust

Timescales:

We aim to resolve any complaints in a timely manner. Timescales for each stage of the complaint's procedure are set out below in the relevant paragraphs. For the purposes of this policy, a 'working day' is defined as a week day during term time, when the academy is open. The definition of 'working day' excludes weekends and it also excludes enforced closure, occasional, regular holidays and Bank Holidays. For the avoidance of doubt, term dates are published on the Academy Trusts website, and information about term dates is made available to parents and students periodically.

Policy Aim and Statement

Aim:

The aim of this policy is to ensure that a concern or complaint by a parent (including a prospective parent) or a member of the public using the academy trust facilities is managed sympathetically, efficiently and at the appropriate level and resolved as soon as possible. Doing so is good practice and good customer relations, it is fair to those concerned and it helps to promote parents', students' and visitors' confidence in our ability to safeguard, promote welfare and offer quality service. 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, reviewing our systems and procedures in the light of circumstances.

Policy Statement:

We need to know as soon as possible if there is any cause for dissatisfaction. Complaints raised some time after the event can often not be dealt with in a thorough manner. We recognise that a difficulty which is not resolved quickly and fairly can soon become a cause of resentment, which could be damaging to relationships and also to our academy trust culture. We intend that parents, students and visitors should never feel, or be made to feel, that a complaint will be taken amiss or will adversely affect a student or his/her opportunities at the academy. The policy, however, distinguishes between a concern or difficulty which can be resolved informally and a formal complaint which will require investigation.

Stage 1: Concerns and Difficulties

(This is not treated as a formal complaint)

1. Concerns: We expect that most concerns, when a parent seeks intervention, reconsideration or some other action to be taken, can be resolved informally. Examples might include dissatisfaction about some aspect of teaching or pastoral care, or about allocation of privileges or responsibilities, or about a timetable clash or some other aspect of the Academy Trusts systems or equipment, or a billing error.

2. Notification:

Please raise the concern initially as follows:

2.1 Education issues –

a) If the matter relates to the classroom or the curriculum please speak or write to the Head of Primary School, Head of Middle School, Head of Senior School, Head of Sixth Form or the Head of Canterbury City and Coastal.

b) If the matter relates to a child with special educational needs or in the Cavendish Centre SRBP (primary school) or Speech and Language SRBP (secondary school), please speak or write to the SENCO at the primary school or the Senior Vice Principal for intervention (SENCO at the secondary school).

2.2 Pastoral care – For concerns relating to matters outside the classroom, please speak or write to the Pastoral Manager at the primary school and the relevant Support Manager or Senior Vice Principal for Ethos and Engagement at the secondary school.

2.3 Disciplinary matters – A problem over any disciplinary action taken or a sanction imposed should be raised with the pastoral manager at the primary school and first of all with the subject leader at the secondary school and, if not resolved, with the Senior Vice Principal for Ethos and Engagement or with the appropriate Head of School.

2.4 Financial and administrative matters – A query relating to fees or extras or to other administrative matters should be raised either with the Finance Office or the Director of Finance for schools or Director of Finance for the Trust.

2.5 Lettings/bookings – If the problem arises through an external booking please speak or write to the Corporate Services Manager.

2.6 Site and Health and Safety – For concerns relating to health and safety or matters relating to any trust site, please speak or write to the Estates Manager.

2.7 Service Level Agreement – For matters relating to service level agreement providers, please contact the Senior Vice Principal for Business, Finance and Operations.

2.8 Partner organisations based on the Canterbury Academy Trust campus – for example: St Nicholas School, Appeti Tennis, Lifestyle Fitness, HatHats, Adult Education, please contact the relevant organisation.

2.9 Should an informal concern or complaint be raised with a member of staff other than those designated at item 2.1 to 2.8 above, he or she is asked to redirect it to the appropriate individual under this policy.

2.10 Any matters not listed above should be referred to the appropriate Head of School

These concerns can be brought to our attention by phone call (which will be noted and kept to file) email or letter.

Complaints about the Executive Principal of the Trust or the Directors/trustees/governors

Where a complaint concerns the actions of the Executive Principal of the Trust, the complainant

should first approach the Executive Principal of the Trust in an attempt to resolve the issue informally. If the complainant is not satisfied with this outcome they should notify the Chair of the Board of Directors care of the Clerk to the Governing Body that they wish to take a complaint forward. The Stage 2 process will then commence and *the Chair of the Board of Directors* will take the process forward.

Where a complaint concerns a Director/trustee/governor, the complainant should notify in writing the Chair of the Board of Directors care of the Clerk to the Governing Body. Where a complaint concerns the Chair of the Board of Directors this should be made in writing to the Clerk of the Governing Body. For Complaints against any member of the Governing Body Appendix 1 should be followed.

3. Acknowledgement

Review all complaints and concerns immediately upon receipt and contact complainant within 2 – 5 working days to agree how the complaint will be investigated. This will include offering to meet the complainant if that would help with the investigation or resolution of the complaint.

4. Investigation and resolution

- Treat complainants impartially and without discrimination or prejudice
- Ensure the complaints and concerns are investigated thoroughly and fairly to establish the facts
- Ensure that all decisions made will be proportionate, appropriate and fair
- Act fairly towards staff that have been complained about as well as towards complainants
- Respond to the complaint within 10 working days and if there is any delay, keep complainant informed of the progress and the reason for the delay
- Use all the feedback and lessons learned from complaints and concerns in our efforts to improve the care we provide
- Be open and transparent in our communication
- Regularly review the lessons to be learned from complaints and concerns

5. Unresolved Concerns

A concern which has not been resolved by informal means above within ten working days from the receipt of the acknowledgement by the relevant person can then be notified as a formal complaint in accordance with Stage 2 below.

Stage 2: Formal Complaints – Complaints Co-ordinator

1. Notification:

A formal complaint can only be made either in writing or by email. An unresolved concern under Stage 1, or a complaint which needs investigation, or a more serious dissatisfaction with some aspect of the academy trust's policies, procedures, management or administration must be set out in writing with full details and sent with all relevant documents and full contact details for the attention of the Clerk to the Board of Directors who will then inform both the Chair of the Board of Directors and the Executive Principal of the Trust. Should a formal written complaint be received by another member of the academy trust's staff, he or she will immediately pass it to the Executive Principal of the Trust. The chair of the Board of Directors and the Executive Principal of the Trust will then determine the most appropriate and constructive response to this formal complaint.

The investigation and proper administration of the complaints process is an exhaustive and time consuming exercise. Whilst most complaints are genuine and legitimate and, therefore, deserve the full attention of the academy it is the case that some may have not been. Thus, in an attempt to expedite matters the Executive Principal of the Trust does have the authority to:

- a. Contact the complainant directly to ascertain the nature of the complaint, the grounds for it and the expected outcome of it
And/or
- b. Request that the complainant meets with the Executive Principal of the Trust or members of the board of directors to deal with the complaint formally face to face.

In the event of any complaint being made and then not followed up by the complainant within 7 days (working and non- working) and/or the complainant failing to attend a meeting without warning or without explanation, then the complaint will be deemed to have terminated. A complaint once terminated cannot be reinstated

Thus, there are two responses/routes of action:

- a. The formal complaint will be referred to the academy trust's complaints coordinator for investigation
- b. The formal complaint may be elevated and dealt with either by the Executive Principal of the Trust (Stage 3) or referred to a panel of the Board of Directors (Stage 4)

2. Acknowledgement:

Your complaint will be acknowledged by telephone or in writing, normally within five working days (and no later than 10 working days) of receipt during term time and as soon as

practicable during the holidays. The acknowledgement will indicate the action that is being taken and the likely timescale for resolution.

3. Investigation and resolution for complaints referred to the Complaints Co-ordinator:

The Complaints Co-ordinator may deal with the matter personally or may ask a senior member of staff to act as 'investigator' and/or may involve one or more Vice Principals. The investigator may request additional information from the complainant and may wish to speak to the complainant personally and to others who have knowledge of the circumstances. Following appropriate investigation, the Complaints Co-ordinator will then respond to the complainant in writing within 25 working days.

Unresolved concerns

A concern which has not been resolved by the Complaints Co-ordinator at stage 2 can proceed to stage 3.

4. Investigation and resolution for complaints that has been elevated and dealt with by The Executive Principal of the Trust

The Executive Principal of the Trust may request additional information from the complainant and may wish to speak to the complainant personally and to others who have knowledge of the circumstances. Following appropriate investigation, the Executive Principal of the Trust will then respond to the complainant. Full written response within 25 working days.

Unresolved concerns

A concern which has not been resolved by the Executive Principal of the Trust at stage 2 or 3 can proceed to stage 4.

5. Investigation and resolution that has been elevated and being dealt with by the Board of Directors will follow stage 4 of this policy.

Stage 3:

Formal Complaints heard by the Executive Principal of the Trust

1. Notification:

If you are dissatisfied with the decision of the Complaints Co-ordinator under Stage 2, your complaint may be renewed in writing to the Executive Principal of the Trust. Only if you have been through the earlier stages of this procedure, and are dissatisfied with the decision may you request a meeting with the Executive Principal of the Trust. To request a meeting with the Executive Principal of the Trust, please write to the Clerk to the Board of Directors within five working days of receiving the decision that you wish to appeal. Your request will only be considered if you have completed the relevant procedures at Stages 1 & 2. Please ensure that copies of all relevant documents accompany your letter to the clerk and state all the grounds for your complaint and the outcome that you desire. The clerk will acknowledge your request in writing within five working days and then advise you of a date and time of the meeting.

Every effort will be made to resolve the matter within fifteen working days of the receipt of your request.

2. Unresolved concerns

If you remain dissatisfied with the decision of the Executive Principal of the Trust you have the right to request a meeting with the Directors. To request a meeting with the Directors, please write to the Clerk to the Board of Directors within 5 days of your meeting with the Executive Principal of the Trust. Your request will only be considered if you have completed the relevant procedures at Stages 1, 2 & 3. Please ensure that copies of all relevant documents accompany your letter to the clerk and state all the grounds for your complaint and the outcome that you desire. The clerk will acknowledge your request in writing within five working days and then advise you of the date and time of the meeting.

Stage 4 (Final stage)

Formal complaints heard by the Board of Directors

1. Directors complaints review panel: The review will be undertaken by a panel of at least three Directors appointed on behalf of the Board of Directors, plus an ***independent person who is not involved in the management and running of the academy.*** The panel members will have had no detailed previous knowledge of the case although they may seek contextual understanding of the complaint as to better understand it.

Fair consideration will be given to any bona fide objection to a particular member of the panel.

2. Convening the panel: The Clerk to the Board of Directors will convene the Review Panel as soon as is reasonably practicable. The panel will not normally sit during academy trust holidays or at weekends.

3. Notice of hearing: Every effort will be made to enable the panel hearing to take place within fifteen working days of the receipt of your request. As soon as reasonably practical and in any event at least five working days before the hearing, the Clerk to the Board of Directors will send you written notification of the date, time and place of the hearing, together with any paperwork to be discussed at the meeting.

4. Attendance: You will be asked to attend the hearing and may be accompanied by one other person such as a relative, teacher, or friend, who should not be legally qualified. Your child may attend part or all of the hearing at the discretion of the Chair/parent. The Clerk to the Board of Directors or nominated deputy will also attend the hearing in order to keep a record of the proceedings. Copies of additional documents you wish the panel to consider should be sent to the Clerk to the Board of Directors at least three clear days prior to the hearing. Having agreed to a meeting, failure to attend without explanation will lead to the complaint being deemed to have terminated.

5. It is not normally the case that the Trust will be represented at these meetings as they are intended to enable the complainant to state their position without fear or favour. The Chair of the Review Panel will conduct the hearing in such a way as to ensure that all those present have the opportunity of asking questions and making 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.

6. Adjournment: The Chair may at his/her discretion adjourn the hearing for further investigation of any relevant issue. This may include an adjournment to take legal advice.

7. Decision: After listening to the complainant the panel will reflect and consider what they have heard. After due consideration of the matters discussed at the hearing, the panel shall reach a view and this view may well lead to further investigation pertaining to the complaint. For understandable reasons should the decision reached also require some form of internal disciplinary action then the complainant will not be informed of the specifics of this. The panel's findings and any recommendations shall be confirmed in writing to you within five working days unless a further period of time is required to investigate the matter, in which case you will be informed of this.

8. Record of complaints:

The Clerk to the Board of Directors is responsible for keeping a log of all complaints received by or referred to them under this stage of the procedure. The log should provide a brief written summary of the name of the complainant, the date the complaint was received, the matter complained of, and the manner and date of its resolution. Written records may be kept of any meetings and interviews held in relation to the complaint. The complainant has no rights of access to these records/findings.

9. Confidentiality:

In order for complaints to be resolved as quickly and fairly as possible, we ask that complainants do not raise concerns or discuss them publicly via social media. Complaints will be dealt with confidentially by the Trust and we expect complainants to observe confidentiality also.

If at any formal stage of a complaint it is determined that staff disciplinary or capability proceedings are necessary, the details of any action will remain confidential to the Executive Principal and the individual's line manager. The complainant is not entitled to participate in the process or receive any detail about the proceedings.

The number of complaints registered under the formal procedure during the preceding academy trust year will be supplied to parents on request. Correspondence, statements and records relating to individual complaints will be kept confidential except to the extent required by paragraph 33(k) of Schedule 1 to the Education (Independent Academy Standards) (England) Regulations 2014, that is where access is requested by the Secretary of State or where disclosure is required in the course of an academy inspection or under other legal authority.

In accordance with data protection principles, details of individual complaints will normally be destroyed after a period of 6 years from resolution. In exceptional circumstances some details will be retained for a further period as necessary.

10. The Remit of the Complaints Panel

The panel may choose their own chair.

The panel can:

- recommend changes to the academy trust's systems or procedures to ensure that problems of a similar nature do not recur

There are several points which any director sitting on a complaints panel needs to remember:

- a. It is important that the hearing is independent and impartial and that it is seen to be so. No director/independent person may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, directors need to try and ensure that it is a cross-section of the categories of director and sensitive to the issues of race, gender, religious affiliation and ensure that one member of the panel is independent of the management and running of the academy.
- b. The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the academy trust and the complainant. However, it has to be recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
- c. An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible.
- d. Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.
- e. The people sitting on the panel need to be made aware of the complaint's procedure.

11. Roles and Responsibilities

a) The Role of the Clerk

The clerk would be the contact point for the complainant and be required to:

- 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
- ensure no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- 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 decision

b) 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 complainant
- Key findings of fact are made
- if the complainant is not used to speaking at such a hearing they 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

12. Notification of the Panel's Decision

The Chair of the panel needs to ensure that the complainant is notified of the outcome, in writing, within five working days.

13. Checklist for a Panel Hearing

The panel needs to take the following points into account:

- The hearing is as informal as possible
- Witnesses are only required to attend for the part of the hearing in which they give their evidence
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses
- The panel may ask questions at any point
- The complainant is then invited to sum up their complaint
- The chair explains that complainant will hear from the panel in writing within five working days in relation to the outcome of the hearing and any recommendation being made to the school.
- Complainant leaves while the panel decides on the issues

14. This is the final stage for a complaint to be heard at the academy trust and it is hoped that an amicable outcome will have been reached.

Policy for unreasonable complaints

The Academy Trust is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact

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Note: Referrals to pupils/students/child within the policy covers all young people within our care this may on occasions include students from other schools and in the community

complainants have with the trust. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

The Trust defines unreasonable complaints as *'those who, because of the frequency or nature of their contacts with a school within the trust, hinder our consideration of their or other people's complaints'*.

Examples: A complaint may be regarded as unreasonable when the person making the complaint:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaint's procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where the Trust's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
- seeks an unrealistic outcome;
- makes excessive demands on the Trust's time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically: -

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;

- Publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Complainants should limit the numbers of communications with the Trust while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

Whenever possible, the Executive Principal of the Trust or Chair of the Board of Directors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the Executive Principal of the Trust will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the Trust causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include barring an individual from school premises.

Barring from the School Premises

Although fulfilling a public function, Schools are private places. The public has no automatic right of entry. Schools will therefore act to ensure they remain a safe place for pupils, staff and other members of their community.

If a parent's behaviour is a cause for concern, the Academy Trust will ask him/her to leave the premises. In serious cases, the Executive Principal will notify them in writing that their implied licence to be on academy trust premises has been temporarily revoked subject to any representations that the parent may wish to make. The Academy Trust will always give the parent the opportunity to formally express their views on the decision to bar in writing. The decision to bar will then be reviewed, taking into account any representations made by the parent, and either confirmed or lifted. If the decision is confirmed the parent will be notified in writing, explaining how long the bar will be in place.

Anyone wishing to complain about being barred can do so, by letter or email, to the Executive Principal of the Trust or Chair of the Board of Directors. However, complaints about barring cannot be escalated to the Department for Education. Once the Trust's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

Appendix 1

Procedure to manage complaints about Directors/Trustees or Governors

General principles

The principles of a complaint should include the following:

- resolution should be sought at the least formal level in the first instance;
- complaints should be resolved as quickly as possible;
- the process of resolving a complaint should not undermine the work of the governing body;
- where help and support is needed in managing a complaint against a Director, Trustee or Governor, this could be sought from another school governing body

Categories of complaints

Complaints against Directors/ Trustees or Governors can be categorised:

- (i) those from other Governors on the governing body;
- (ii) those from members of the public which includes parents;

NB - members of the school staff – See Staff Grievance Policy.

Irrespective of the category of complaint the responsibility for dealing with the complaint is that of the Governing Body, which would normally fall to the Chair to manage. Where the complaint is made against the Chair then it could be passed to the Vice-Chair.

The Governing Body need to consider to what extent the internal investigation of a complaint against a Director, Trustee or Governor by another Directors, Trustee or Governor generates a conflict of interest or prejudice.

No member of the school staff, including the Executive Principal of the Trust, should be involved in the investigation of a complaint against a Director, Trustee or Governor other than as a witness.

Procedure

This procedure is for complaints from members of the public, parents and Governors.

- 1 All complaints must be in writing to the Clerk, which includes email. For complaints against the Chair the procedure below will be undertaken either by the Vice Chair or an Independent Investigator
- 2 The Chair must inform the Director, Trustee or Governor against whom the complaint is made, the content of the complaint and how it is to be managed.
- 3 All complaints must be reported to the Governing Body as soon as is practicable, however the information must be restricted to: (a) the date the complaint was received; and (b) against which Director, Trustee or Governor the complaint is made.

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- 4 Unless otherwise agreed by the Governing Body, the Complaint should be managed by the Chair.

The Chair may wish to seek advice from the Local Authority.
- 5 The Chair should arrange a meeting with the complainant to determine the nature of the complaint. To substantiate the complaint the complainant should be able to supply evidence.
- 6 It may be that due to the nature of the complaint, the Chair can resolve the issue at the initial meeting and no further action be taken.

This outcome should be reported immediately to the Director, Trustee or Governor who the complaint is against and the Governing Body.
- 7 Where the complaint cannot be resolved at the initial meeting with the Complainant, the Chair will need to meet with the Director, Trustee or Governor concerned and put to them the complaint in order for them to make a response.
- 8 The Chair or Vice Chair will write a letter to the complainant providing an outcome to their complaint.
- 9 The outcome of the complaint could be that:
 - (i) the complaint is dismissed;
 - (ii) the complaint is upheld in part or whole and a letter of apology is sent to the Complainant;
 - (iii) the complaint is detrimental to the reputation of the Governing Body and the Governing Body refer to their Code of Conduct for next steps in line with regulations.
- 10 The outcome of the complaint needs to be recorded in the minutes of the Governing Body meeting, for example: Complaint was resolved or that a complaint was made against a Governor and investigated with the outcome being

Where possible the time lines of the Complaints Policy should apply to this Appendix.