



South East Cornwall Multi Academy Regional Trust

Complaints Policy

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Procedure for dealing with complaints

In all SMART schools we undertake to provide a friendly and safe environment in which students will be helped to achieve their potential, both academically and socially. We recognise, however, that sometimes things can go wrong and parents, carers or members of the public may need to make a complaint or raise concerns they have with the academy. This policy explains what should be done, should such a situation arise. As with all our policies and procedures this is reviewed regularly including to ensure that no groups or individuals with protected characteristics are unintentionally disadvantaged by the policy or practice.

Introduction

The majority of issues raised by parents, the community or students, are compliments and concerns rather than complaints. We are committed to taking every opportunity to praise staff and recognise their contribution when we receive compliments. This is done through public events, staff briefing and email.

We are also committed to taking concerns seriously, at the earliest stage, in the hope of keeping the number of formal complaints to a minimum and without needing to invoke formal procedures. However, depending on the nature of the complaint, the complainant may wish or be asked to follow the academy's formal complaints procedure. For the academy to be able to investigate a complaint, it needs to be made as soon as possible after the event. If a complaint is older than a year, the Trust Board may decide that it is not possible or practical for it to be investigated.

The prime aim of our policy is to resolve the complaint as fairly and speedily as possible. Formal complaints will be dealt with in a sensitive, impartial and confidential manner. Malicious complaints may incur appropriate action by the academy. Any complaints concerning the conduct of academy staff will be handled in accordance with the academy's internal disciplinary procedures; such an investigation will remain confidential.

The following details outline the stages that can be used to resolve complaints.

The SMART Policy has the following main stages:

Stage 1 – A concern is raised informally with a staff member.

Stage 2 – Formal complaint is heard by a member of the senior leadership team. The formal procedures are only invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

Stage 3 – Complaint is investigated by the headteacher with support from the CEO if requested.

Stage 4 – Complaint is heard by the Local Governing Committee's Complaints Panel which will include an independent person. Staff governors are not eligible to be members of this panel.

Stage 5 – Complaint is heard by the Trust Board's Complaints Panel which will include an independent person.

Allegations of abuse against a member of the academy staff must be reported to the headteacher immediately. Allegations of abuse against the headteacher or CEO must be reported to the Chair of the Trust Board immediately. The procedure detailed in the Safeguarding Policy will be used for these cases.

Parents who have a complaint are asked to send this directly to the Clerk (Clerk@smart-trust.net). If this is concerning a headteacher or the central management of the Multi Academy Trust, then it will be directed to the Chief Executive Officer (CEO) of the Trust at Stage 3. If the matter concerns the conduct of a headteacher, the Clerk will ensure that the CEO receives a copy of the complaint. If the matter concerns the conduct of the CEO, the Clerk will ensure that the Chair of the Trust Board receives a copy of the complaint.

The CEO or Chair of the Trust Board will then arrange for the matter to be investigated. In cases where the matter concerns the conduct of a member of the Local Governing Committee or Director of the Trust Board, the complaint should be addressed to the Chair of the Trust Board.

Stage 1 – Raising a concern relating to a particular Academy

Concerns can be raised with any academy at any time and will often generate an immediate response, which will resolve the concern. The Academy requests that parents make their first contact with the student's Head of Year or Class Teacher (if it is related to pastoral matters), Head of Department or Head of School (if the concern is subject related) or member of the Leadership Group

It is important for parents/carers to recognise that each academy is a busy organisation and that whilst we will do our best, it may not be possible to offer an appointment immediately.

On some occasions the concern raised may require investigation, or discussion with others, in which case the complainant will receive an informal but informed response within seven days. The vast majority of concerns will be satisfactorily dealt with in this way. However, if the complainant is not satisfied with the result at Stage 1, the complainant will need to write to or call the particular Academy within ten academy working days and state what they would like the Academy to do. The Academy will then look at the complaint at the next stage.

Stage 2 – Complaint heard by an appropriate staff member

Formal complaints should be put in writing and addressed to the headteacher. The Complaints Form included at the end of this document should be used for this purpose. The complaint will be logged, including the date it was received. The Academy will acknowledge receipt of the complaint within five academy working days of receiving it. In many cases this response will also report on the action the academy has taken to resolve the issue. However, if the issue requires complex investigation (e.g. interviewing a number of people) it may take up to ten academy working days.

Alternatively, a meeting may be convened to discuss the matter further. This meeting will normally take place within fifteen academy working days. The aim will be to resolve the matter as quickly as possible. However, if the complainant is not satisfied with the result at Stage 2 please write to or call the Academy within ten academy working days of receiving the response. The complainant will need to tell the Academy why they are still not satisfied and what they would like the Academy to do.

Stage 3 – Complaint heard by Headteacher

If the matter has not been resolved at Stage 2, the headteacher will arrange for an investigation to be carried out. This investigation may include evidence from witnesses. A note taker should be present when this is provided and a written record kept of the interview. Following the investigation, the headteacher will normally give a written response within fifteen academy working days. If the complainant is dissatisfied with the result at Stage 3, they will need to let the Academy know within ten academy working days of receiving the response.

Stage 4 – Complaint heard by the Local Governing Committee's Complaints Panel

If the matter has still not been resolved at Stage 3, then the complainant can write to the Clerk (Clerk@smart-trust.net) labelled for the attention of the Chair of the Local Governing Committee giving details of the complaint and the reasons why they are not satisfied with the responses they have received to date. The Chair or a nominated Governor will convene a Complaints Hearing Panel which will include at least one member who is independent of the management and running of the academy. The Hearing will normally take place within fifteen academy working days of the receipt of the written request for Stage 4 investigation. The complainant and any witnesses requested by either party will be invited to attend, having been given seven days' notice if possible. The complainant may be accompanied by one other person if they wish. Their identity and their written statement should be given to the Clerk in advance of the Hearing. The aim of the Local Governing Committee's Complaints Panel hearing is to impartially resolve the complaint and to achieve reconciliation between the Academy and the complainant.

All parties will be notified of the Panel's decision in writing within five academy working days after the date of the Hearing. The letter will also contain what the complainant needs to do if they wish to take the matter further. A copy of the letter will be sent to the Trust Board to ensure they are aware of the way in which the complaint was resolved.

Stage 5 – Complaint heard by the Trust Board's Complaints Panel

If the matter has still not been resolved at Stage 4, then the complainant can write to the Chair of the Trust Board giving details of the complaint and why they are not satisfied with the responses they have received. The Chair or a nominated Director will convene a Complaints Appeal Panel. This Panel will include at least one member of the panel who is independent of the management and running of the Academy. The Appeal Hearing will normally take place within fifteen academy working days of the receipt of the written request for Stage 5 investigation. The complainant will be invited to attend, having been given seven days' notice if possible, and may be accompanied if they wish. Their identity should be advised to the Clerk in advance of the Hearing. The aim of the Trust Board's

Complaints Panel Hearing is to impartially resolve the complaint and to achieve reconciliation between the Trust and the complainant.

All parties will be notified of the Panel's decision in writing within five academy working days after the date of the hearing. The letter will also contain what they need to do if they wish to take the matter further.

Parents that are not satisfied about the handling of their complaint can refer it to the ESFA (Education and Skills Funding Agency). The ESFA will not overturn an academy's or Trust's decision about a complaint. However, if they find an academy or the Trust did not deal with a complaint properly they will request that the complaint is looked at again and procedures used which meet the requirements set out in the Regulations. If the complainant fails to respond within any of the specified time frames this will mean the complaint is deemed to have been resolved.

Review

The SMART Board will review this policy annually and assess its implementation and effectiveness. The policy will be promoted and implemented throughout the Trust.

Appendix 1 – Guidance for Staff investigating complaints

It is suggested that at each stage, the person investigating the complaint, makes sure that they:

- establish what has happened so far, and who has been involved;
- make a note of the complaint, clarify the nature of the complaint and what remains unresolved;
- meet with the complainant or contact them (if unsure or further information is necessary);
- have a notetaker present during interviews with witnesses;
- clarify what the complainant feels would put things right;
- interview those involved in the matter and/or those who the complaint is against, allowing them to be accompanied if they wish;
- conduct the interview with an open mind and be prepared to persist in the questioning;
- keep notes of the interview which are clearly dated including the time of day. Templates are available from HR (Chloe.Callard@smart-trust.net)

They should normally offer an appointment to discuss the issue as quickly as possible, as this will give both parties time to talk about it calmly and politely without being interrupted. This can allow parties to remain calm. It will also show a commitment to resolving issues. Complaints need to be considered, and resolved, as quickly and efficiently as possible (see procedure). However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

At each stage in the procedure they will want to keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking that academy policies will be reviewed in light of the complaint.

It is useful if complainants are encouraged to state what actions they feel might resolve the problem at any stage. An admission that the academy could have handled the situation better is not the same as an admission of negligence. An effective procedure will identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

Appendix 2 – Local Governing Committee complaints panel hearing

The aim of the Hearing will always be to resolve the complaint and achieve reconciliation between the Academy 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. The letter should also contain what they need to do if they wish to take the matter further.

It is important that the Hearing is independent and impartial and that it is seen to be so. No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. At least one member of the Panel will be independent of the management and running of the academy. In deciding the make-up of the Panel, governors need to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.

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. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial. The complainant may be accompanied if they wish; they should advise the Clerk in advance of the meeting if they intend to do this and give the identity of the person concerned.

The Role of the Clerk

The Clerk is the contact point for the complainant and is 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;
- 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.

The Role of the Chair of the Local Governing Committee or the Nominated Governor

The nominated governor role:

- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;

- parents and others who may not be used to speaking at such a hearing are put at ease;
- the hearing is conducted in a respectful manner with each party treating the other with courtesy;
- the panel is open minded and acting independently;
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- each side is given the opportunity to state their case and ask questions;
- written material is seen by all parties. If a new issue arises, all parties should be given the opportunity to consider and comment on it.

Before the meeting

- The formal complaints letter should be passed to the Vice-Chair if the Chair will be unable to receive the letter within 5 days.
- Members of the Local Governing Committee's Complaints Panel should have no prior knowledge of the complaint and it is, therefore, unlikely that staff governors will be members of the panel.
- The letter inviting the parent/carer to attend should indicate that they may be accompanied by a friend.

At the meeting

- The Local Governing Committee's Complaints Panel must be made up of at least three members. A clerk should be in attendance to take notes.
- One member of the panel should be completely independent from the Academy.
- Although this is a formal meeting, every effort should be made to make it as informal as possible for all concerned and for the parent /carer to be put at ease.
- Everyone attending should be in the room at the same time.
- The Clerk should take notes of the meeting, listing who is present and make everyone aware of the confidential nature of the process.
- The Chair of the Local Governing Committee's Complaints Panel should open the meeting stating the purpose and the format of the meeting to clarify this to all in attendance.
- People present should introduce themselves stating their reason for being at the meeting.
- The Chair of the Local Governing Committee's Complaints Panel should request a verbal statement from the complainant in support of his or her written letter of complaint and why s/he feels the issue has not been resolved. The Local Governing

Committee's Complaints Panel Members can ask questions to make sure they understand the issue from the parent's point of view.

- The Chair of the Local Governing Committee's Complaints Panel should request a verbal statement from the headteacher (or his/her representative) in support of his/her written account of the complaint and the steps taken to resolve the issue. The Local Governing Committee's Complaints Panel Members can ask questions to make sure they understand the issue from the headteacher's point of view.
- Members of the Local Governing Committee's Complaints Panel should make sure they fully understand the issues and ask any further questions to clarify any points that are still not clear to them.
- The Chair of the Local Governing Committee's Complaints Panel must ask the complainant and the headteacher (or his/her representative) if they are satisfied that they have provided all the information they wanted or if there is something they wish to add and if they feel they have had a fair hearing.
- When the Local Governing Committee's Complaints Panel Members understand all the issues, the Chair will ask all parties to leave except the Panel Members and the Clerk.

After the meeting

- The Panel members will need to consider the information, come to a decision and suggest a way to resolve the issue taking into account the best interests of the child or children.
- The Local Governing Committee's Complaints Panel Members discuss the issues in private and the Clerk remains to record the decision. The panel can:
 - dismiss the complaint in whole or in part;
 - uphold the complaint in whole or in part;
 - decide on the appropriate action to be taken to resolve the complaint;
 - recommend changes to the Academy's systems or procedures to ensure that problems of a similar nature do not recur.
- When the Panel have reached a decision the Clerk will inform everyone concerned in writing as soon as possible, but in any event, within five academy days of the Panel meeting. The letter will also advise the complainant that if they wish to take the matter further, they should inform the Clerk within seven academy days and the matter will be considered by the Trust Board's Appeal Panel, following the same procedure as that used by the Local Governing Committee in the previous hearing.
- It should be noted that, if the correct procedure has been followed, the decision of the Trust Board's Appeals Panel is final.
- A record should be kept of the outcome of the hearing.

- Written records of complaints will be kept and reported on an annual basis to Trustees.

Vexatious complaints

If properly followed, a good complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Chair of the Trust Board is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

Summary of the procedure and agenda

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 headteacher may question both the complainant and the witnesses after each has spoken.

The headteacher is then invited to explain the Academy's actions and be followed by the Academy's witnesses.

The complainant may question both the headteacher and the witnesses after each has spoken.

The Panel may ask questions at any point.

The complainant is then invited to sum up their complaint.

The headteacher is then invited to sum up the academy's actions and response to the complaint.

The Chair explains that both parties will hear from the panel within a set time scale.

Both parties leave together while the panel decides on the issues.

Guidance notes for Clerk to the Complaints Panel hearing

Invitations:

- Parent/Carer (who may be accompanied);
- Chair of Local Governing Committee's Complaints Panel (TBC);
- Vice Chair in absence;
- An additional Governor;
- Headteacher (or Deputy headteacher in case of absence);
- Independent member of the panel.

NB. Letters should indicate date and time of hearing, indicate that the proceedings will be entirely confidential, and that the decision of the panel will be final.

Procedure of hearing – general

NB. Chair to put attendees at their ease.

- Chair to introduce members and ask for all parties to be introduced;
- Note that the procedure will be minuted;
- Note that the outcome will be final;
- Indicate that a record will be kept of the complaint and its outcome, and forwarded to Trustees;
- Follow agenda as per policy.

Complaint Form

Please complete and return to the Clerk to the Local Governing Committee (Clerk@smart-trust.net) who will acknowledge receipt and explain what action will be taken.

Your name:

Student's name:

Your relationship to the student:

Address:

Postcode:

Email address if you agree to communication by this method:

Day time telephone number:

If you are happy to be contacted in the evening please provide your evening telephone number:

Please give details of your complaint.

What action, if any, have you already taken to try and resolve your complaint. (Who did you speak to and what was the response)?

What actions do you feel might resolve the problem at this stage?

Are you attaching any paperwork? If so, please give details.

Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date: