



# Complaints Policy

<b>Policy Owner</b>	<b>Andy Collishaw – Chief Operating Officer</b>
<b>Date of last review</b>	<b>May 2020</b>
<b>Approval/Review body</b>	<b>CSG/ATB</b>
<b>Review Interval</b>	<b>3 Years</b>
<b>Date of Review</b>	<b>Sept 2021</b>
<b>Date of Next Review</b>	<b>Sept 2024</b>

## **Introduction**

In light of experience and best practice, the effectiveness of this policy will be monitored annually and reviewed every three years. This mechanism recognises that changes in legislation may prompt a review of the policy before the three years stipulated.

We are committed to safeguarding and promoting the welfare of children and young people, and expect all staff, partners and volunteers to share this commitment.

This policy applies to all activities undertaken by the Academy in pursuing its purpose as an educational institution whilst serving its students, community and wider stakeholder interests.

All policies are subject to Equality Impact Assessments. Equality Impact Assessments are carried out to see whether the policy has, or is likely to have, a different impact on grounds of race, gender, disability, age, religion or sexual orientation.

If you require this document in an alternative format and/or language, please contact our Executive Support Officer, Mrs Charna Kay.

We are always keen to hear suggestions regarding Academy policies.

To make suggestions or to see further information please contact:

### **Executive Support Officer**

Email: [c.kay@ncdat.org.uk](mailto:c.kay@ncdat.org.uk)

### **Footnote**

In an effort to keep costs to a minimum, a conscious decision has been made not to print out this document and it would be appreciated that you refer to the copy and relevant Appendices available on the Website/VLE.

## Contents

<b>Section</b>	<b>Item</b>	<b>Page</b>
1.	Scope	2
2.	General Principles of Complaints	3
2a	The difference between a concern and a complaint	3
2b	Dealing with Complaints – Formal Procedure	3
2c	Framework of Principles	4
2d	Investigating Complaints	4
2e	Resolving Complaints	5
2f	Recurring Complaints	5
2g	Time Limits	5
3.	The Complaints Procedure	6
3a	Stages of Complaints	6
4.	Managing and Recording Complaints	7
4a	Recording Complaints	7
4b	Local Governing Body Review	8
4c	Publicising the Procedure	8
5.	Annex A – Complaint Form	9
6.	Annex B - Complaints Procedure	11
7.	Annex C - Flowchart	16

## 1. Scope

### Who is allowed to complain?

This policy may be used by key stakeholders who has a concern or complaint about any aspect of the Academy. We recognise that in the main this will mean the parents and carers of the Academy's students, but may include neighbours of the Academy, members of the local community or other stakeholders.

The Academy will use the same complaints procedure regardless of whether the complainant is a parent, carer, neighbour of the Academy, or any other individual. Any references in this document to parents and/or carers also refers those key stakeholders detailed above.

This guidance does not refer to areas where separate appeal arrangements are provided. These include, but are not limited to:-

- student admissions;
- student exclusions;
- statutory Assessment of Special Educational Needs;
- Academy re-organisation proposals;
- matters likely to require a Child Protection investigation:
- Whistleblowing;
- complaints about services provided by other providers who may use the Academy premises or facilities.
- provision of services provided under a formal contract

Issues related to child protection, criminal investigations and employee grievances will also all be dealt with separately from this policy.

This Complaints Policy is distinct from formal staff disciplinary proceedings and this should be made clear to all concerned. There may be occasions where a complaint gives rise to disciplinary procedures which puts the complaints process on hold. If and when this occurs, the complainant should be informed of the delay but not the

outcome of such procedures. Any non-disciplinary aspects of the complaint should continue to be dealt with through the usual complaints' procedures.

## **2. General Principles**

### **a. The difference between a concern and a complaint – (Informal)**

A 'concern' may be defined as '*an expression of worry or doubt over an issue considered to be important for which reassurances are sought*'. A complaint may be generally defined as '*an expression of dissatisfaction however made, about actions taken or a lack of action*'.

It is in everyone's interest that complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to invoke formal proceedings. The Trust take all informal concerns seriously and make every effort to resolve the matter as quickly as possible and via the most appropriate person within the Trust, please note this may not always be the most senior member of staff in the Trust/Academy.

Should we be unable to resolve your concerns informally the Trust have a set of formal procedures detailed below.

### **b. Dealing with Complaints – Formal Procedures**

- i. The formal procedures will need to be referred to, when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further. Complaints Form Annex A should be completed, signed and submitted to the Academy.
- ii. The member of staff with responsibility for the operation and management of the Academy Complaints Procedure is the Executive Support Officer.

### **c. Framework of Principles**

- i. The Academy's Complaints Procedure will:
- encourage resolution of problems by informal means as quickly as possible wherever feasible
  - be easily accessible and publicised
  - be simple to understand and use
  - be impartial
  - be non-adversarial
  - allow swift handling with established time-limits for action and keeping people informed of the progress
  - ensure a full and fair investigation by an independent person where necessary
  - respect people's desire for confidentiality
  - address all the points at issue and provide an effective response and appropriate redress
  - provide information to the Academy's Senior Leadership Team so that service can be improved
  - Complete the process of the complaint at each stage.

### **d. Investigating Complaints**

- i. At each stage, the person dealing with the complaint will attempt to:
- 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
  - interview those involved in the matter and/or those complained of, 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.

#### **e. Resolving Complaints**

- i. At each stage in the procedure we are keen to understand the potential solutions in which the complaint can be resolved. We recognise that in some instances it is not possible to accommodate proposed solutions, but this will be clarified in any response.
- ii. It would be useful if complainants were encouraged to state what actions they feel might resolve the problem at any stage. An admission that we could have handled the situation better is not the same as an admission of negligence.
- iii. We should attempt to 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.

#### **f. Recurring Complaints**

- i. If properly followed, our Complaints Procedure will limit the number of complaints being delayed. However, there will be occasions when, despite all stages of the procedures being followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Chair of the Governing Body will inform them in writing that the Procedure has been exhausted and that the matter is now closed.

#### **g. Time Limits**

- i. Complaints need to be considered, and resolved, as quickly and efficiently as possible. The timescales for each stage are detailed at Annex B. However, where further investigations are necessary, new time limits can be agreed and the complainant sent details of the new deadline and an explanation for the delay.
- ii. To ensure that there is clarity on the nature of the complaint and resolution sought the complainant will need to complete, sign and submit

the Complaint Form (Annex A). On receipt of a complaint the complainant will be informed that a resolution will be sought as soon as possible but within the 15 days limit.

- iii. A written complaint will be responded to acknowledged within 2 working days acknowledging receipt and informing the complainant of a potential time for resolution. Where possible this will be within the 15 days limit, from the date of initial receipt of the complaint, where this is not possible the complainant will be informed of the delay and reasons as outlined in item i. above.

### **3. The Complaints Procedure**

#### **a. The Stages of Complaints**

- i. The Academy's Complaints Procedure will have well defined stages. A flow chart of the stages can be found at Annex C. There may, on occasion, be the need for some flexibility; for example, the possibility of further meetings between the complainant and the member of staff directly involved and further investigations may be required by the staff member appointed to investigate the complaint after a meeting with the complainant.
- ii. There are three distinct stages to the Complaints Procedure:-
  - Stage One: complaint discussed with most appropriate staff member (though not the subject of the complaint);
  - Stage Two: complaint heard by the most appropriate staff member (though not the subject of the complaint or the member of staff involved at stage one);
  - Stage Three: complaint heard by the Complaints Appeal panel which allows the parent(s) to attend and be accompanied if they wish and includes at least one independent panel member not involved in the running and/or management of the Academy.



- iii. An unsatisfied complainant can always take a complaint to the next stage. There is no further internal appeals within the Academy beyond Stage 3
- iv. Where the complaint is about the Principal, the Executive Support Officer will pass your complaint to the Chief Executive Officer. Where the complaint is about the Chief Executive Officer the Executive Support Officer will pass your complaint to the Chair of the Academy Trust Board.
- v. The Complaints Procedure can be found at Annex B.
- vi. Following investigation into a complaint, it may be necessary for action to be taken in accordance with the Academy's Disciplinary Policy.
- vii. From time to time the Academy Trust may receive complaints which are considered to be vexatious. The characteristics of a frivolous or vexatious complaint are:-
  - complaints which are obsessive, persistent, harassing, prolific, repetitious
  - insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason
  - insistence upon pursuing meritorious complaints in an unreasonable manner
  - complaints which are designed to cause disruption or annoyance
  - demands for redress that lack any serious purpose or valueActions to be taken in relation to vexatious complaints are detailed within the Academy Trust's Vexatious Complaints policy.

#### **4. Managing and Recording Complaints**

##### **a. Recording Complaints**

- i. It is important to record the progress of the complaint and the final outcome. At the end of meetings, it would be helpful if the member of staff ensured that the complainant and the Academy have the same understanding of what was discussed and agreed. A brief note of meetings should be kept and a copy of any written response added to the record.
- ii. The Executive Support Officer will be responsible for the records and hold them centrally.

- iii. A written record of all complaints will be maintained and will include;
- whether the complaint was resolved following a formal procedure, or following a panel hearing, and;
  - the action taken by the Academy as a result of those complaints (regardless of whether they are upheld), and;
  - ensures that any correspondence, statements and records relating to individual complaints are to be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

**b. Local Governing Body Review**

- i. The Local Governing Body will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and to make changes where necessary. Complaints information shared with the whole Local Governing Body will not name individuals.
- ii. As well as addressing an individual's complaints, the process of listening to and resolving complaints will contribute to the Academy improvement. When individual complaints are heard, we may identify underlying issues that need to be addressed. The monitoring and review of complaints by the Executive Support Officer and the Governing Body can be a useful tool in evaluating our performance.

**c. Publicising the Procedure**

- i. There is a legal requirement for the Complaints Procedure to be publicised. The Complaints Procedure will therefore be included in:
- the information given to new parents when their children join the Academy;
  - the information given to the students themselves;
  - any home Academy agreement;
  - the Academy website.

## Annex A

### Complaint Form

**Please complete and return to the Executive Support Officer, who will acknowledge receipt and explain what action will be taken.**

Your name:
Student's name:
Your relationship to the student:
Address:  Postcode: Day time telephone number: Evening telephone number: Email address:
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 whom:

Complaint referred to:

Date:

## **Annex B**

### **Complaints Procedure**

#### **1. Stage One: Complaint Heard by appropriate Staff Member (Informal)**

It is in everyone's interest that complaints are dealt with at the earliest possible stage. The first contact between the complainant and the Academy is very important.

We will try to understand your views and it will help the Executive Support Officer to choose the right member of staff to investigate your complaint. Where the complaint is about the Principal, the Executive Support Officer will pass your complaint to the Chief Executive Officer and inform the Chair of the Local Governing Body.

If the member of staff chosen has been part of the initial concern, the Executive Support Officer will pass the complaint to another member of staff. It is important that the complaint is looked at fairly.

If the complaint is made to a member of the Local Governing Body it will be passed to the Executive Support Officer. The Executive Support Officer will tell them about the Complaints Procedure. Members of the Local Governing Body must pass on the complaint straight away. They may be needed at a later stage of the Complaints Procedure.

From the date of receiving the complaint the Academy will endeavour to complete stage one within 15 working days unless otherwise agreed by both parties.

#### **2. Stage Two: Complaint heard by appropriate staff member**

If you are unsatisfied with the response and/or way the complaint was handled at Stage One you are required to confirm your wish to escalate your complaint to Stage Two. Your request must include the clear reasons for your wish to escalate

your complaint to this stage and any evidence you wish to submit should accompany your request.

From the date of receiving the complaint the Academy will endeavour to complete stage two within 15 working days unless otherwise agreed by both parties.

### **3. Stage Three: Complaint Heard by Complaints Appeal Panel**

If you are unsatisfied with the response and/or way the complaint was handled at Stage Two you are required to confirm your wish to escalate your complaint to Stage Three. Your request must state the clear reasons for your wish to escalate your complaint to this stage and any evidence you wish to submit should accompany your request.

At stage three a panel will be established to look at your complaint. The Executive Support Officer will arrange this panel and the panel will be made up of the Principal/Chief Executive Officer, two Local Governing Body members and independent panel member who is not involved in the running and/or management of the Academy.

You will be provided with the opportunity to attend the hearing and be accompanied at the hearing should you wish. The Academy will not allow legal representation at this hearing, but you may be accompanied by a friend or partner at the hearing. We request that you inform us in writing who will be accompanying you and their status.

The Stage Three Appeal is the last stage of the complaints procedure.

From the date of receiving the complaint the Complaints Appeal Panel will endeavour to hear the complaint within 15 working days unless otherwise agreed by both parties.

#### **4. The Role of the Complaints Appeal panel (Stage Three Appeal)**

The panel can:

- dismiss the complaint;
- uphold the complaint;
- decide on the action to be taken to correct the complaint;
- advise changes to the Academy's systems or Procedures to make sure similar problems do not happen again.

The Complaints panel need to remember the following points:

- a. It is important that the appeal hearing is fair and impartial. No person can serve on the complaints panel if they have significant involvement at any previous stage of the complaint process and/or are subject to the complaint. We will always try to resolve the complaint. The panel know that the complainant may be nervous in this kind of meeting, they will make you as welcome as possible. Parents often feel emotional when talking about an issue that affects their child. Care will be taken to make sure the room is comfortable.
- b. Extra care and fairness should be taken when the complainant is a child. If the parent made the complaint, they may decide that the child attends the hearing.

#### **5. Roles and Responsibilities**

##### **a. The Role of the Executive Support Officer**

The Executive Support Officer would be the contact point for the complainant and be required to:

- i. 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;

- ii. collate any written material and send it to the parties in advance of the Hearing;
- iii. meet and welcome the parties as they arrive at the Hearing;
- iv. record the proceedings;
- v. notify all parties of the panel's decision within 5 working days.

**b. The Role of the Chair of the Local Governing Body, Chief Executive Officer, Principal, the Nominated Member of Local Governing Body or the Independent Panel Member**

The role of members of the panel is to ensure that:

- i. Each party to have the opportunity of putting their case without undue interruption;
- ii. the issues are addressed;
- iii. key findings of fact are made;
- iv. parents and others who may not be used to speaking at such a Hearing are put at ease;
- v. the Hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- vi. the panel is open minded and acting independently;
- vii. 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;
- viii. each side is given the opportunity to state their case and ask questions;
- ix. written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

**c. Notification of the Panel's Decision**

The Chair of the panel will ensure that the complainant is notified of the panel's findings and recommendations, in writing within 5 working days. A copy of the findings and recommendations will be:



- Provided to the complainant and, where relevant, the person complained about; and
- Available for inspection on the Academy premises by the proprietor and the Executive Principal/Principal

**d. Check List for a Panel Hearing**

The panel will 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 then followed by their witnesses;
- the panel may question both the complainant and the witnesses after each has spoken;
- the person appointed to address the complaint at Stage 2 is then invited to explain the Academy's response to the areas which have been taken forward from the Stage two hearing and be followed by the Academy's witnesses;
- the complainant may question the person appointed to address the complaint at Stage two 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 person appointed to address the complaint at Stage 2 is then invited to sum up the Academy's actions and response to the complainant;
- both parties leave together while the panel decides on the issues;
- the Chair explains that both parties will receive a written outcome of the decision of the panel within 5 working days

## 6. Flowchart Annex C



