

Torfield and Saxon Mount Academy Trust



Torfield and Saxon Mount Academy Trust Complaints Policy and Procedure

March 2017

TORFIELD AND SAXON MOUNT ACADEMY TRUST

Complaints Policy and Procedure

Principles:

The underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally. In most cases an informal discussion is enough. Sometimes this will include an informal explanation or even a verbal apology if it is appropriate to do so. In every case our staff will try to understand the concern or complaint being raised and assist in resolving the issue.

Policy:

1. Each school in our trust welcomes feedback. Where someone has a concern or complaint, we will endeavour at all times to deal with the issues responsibly and reasonably and if necessary, put things right as quickly as possible.
2. Most complaints can and will be resolved using informal processes. Where this is not the case and formal complaints are subsequently made, a fair and consistent framework, as set out below, will be used to manage the process. The policy and procedures set out below are in accordance with the legislation that applies to academies and good practice guidance issued by the Department for Education..
3. Areas excluded from this procedure: Complaints which are covered by other statutory procedures are excluded from this policy. These include exclusions, grievance, admissions and whistleblowing.
4. It is the aim of the Governors and Executive Headteacher that any formal complaints will be treated seriously and with rigour.
5. This complaints policy and procedure has been prepared in accordance with the academies' statutory duties to address complaints by parents. All complaints made by parents will be dealt with in accordance with this policy. Where a complaint is made by an individual or organisation who is not the parent of a pupil on roll at an academy operated by the trust at the time the complaint is made, the trust will usually seek to apply the procedure set out below. However, in those circumstances, the trust may use its discretion to vary the procedure as appropriate and will make clear at the outset to the complainant the process that will be followed.

Stages of the Complaints Procedure:

INFORMAL STAGE

Stage 1a Informal discussion with the class teacher or other relevant member of staff usually resulting in resolution of the issue.

Stage 1b Informal discussion with the Head of School or other member of senior staff usually resulting in resolution of the issue.

Action required: The person making a complaint is informed of the action to be taken to resolve the issue. If they are not satisfied they should be provided with a copy of the Trust's Complaints Policy and information of how to proceed to stage 2 of the process.

Further information: The vast majority of concerns and complaints can be resolved informally. There are many occasions where concerns are resolved straight away through the class teacher, subject leader, other support staff, senior leader, other member of staff or the Head of School or Executive Headteacher, depending on whom the parent / complainant first approached, without the need to resort to a formal complaints procedure, and this is preferable for all concerned. Sometimes, after an initial discussion, a follow up informal conversation with a more senior member of staff can be helpful. Although this stage involves dealing with the issue informally it may prove helpful later, although not essential at this stage, for the person responding to make a basic record of the issue or complaint raised, which may include brief notes of conversations (face to face or over the telephone), and the responses made. The person who raised the issue should be informed of any action taken to resolve the issue. It may sometimes be helpful to confirm undertakings given about future action or monitoring in writing. If the person is dissatisfied with the response they have been given at this stage, they should be provided with a copy of the complaints policy and informed about how to take their complaint to Stage 2.

FORMAL STAGE

Stage 2 The complaint is submitted, in writing using the form in appendix 1 of this policy, to the Head of School or, if the complaint relates to the Head of School or a decision taken by them, the Executive Head Teacher.

Action required: The Head of School acknowledges receipt within 7 school days, and an investigation into the complaint is conducted by the Head of School or the Executive Headteacher. If the complaint is against the Head of School (or a decision made by them) the investigation is conducted by the Executive Headteacher. In the absence of extenuating circumstances, the Investigator provides a written response to the complainant usually within 20 school days, including the findings of the investigation and the reasons for those findings. Information will also be provided on how to progress the complaint to stage 3 if the complainant remains unsatisfied. Should this be the case, any further complaint should be made within 10 school days following receipt of the investigator's letter.

Stage 3 The complaint is submitted for review or further investigation, in writing, to the Executive Headteacher or Chair of Directors if the complaint is about the Executive Headteacher or was previously investigated by the Executive Headteacher at stage 2.

Action required: The Executive Headteacher acknowledges receipt within 7 school days, and a further investigation into the complaint may be conducted by them, or a review of the investigation at Stage 2 may occur. If the complaint is against the Executive Headteacher (or a decision made by them) the investigation is always conducted by the Chair of

Directors. In the absence of extenuating circumstances, the Investigator provides a written response to the complainant, usually within 20 school days, including the findings of the investigation and the reasons for those findings. Information will also be provided on how to progress the complaint to stage 4 if the complainant remains unsatisfied. Should this be the case, any further complaint should be made within 10 school days following receipt of the investigator's letter.

Further information about Stage 2 and Stage 3: When making a complaint in writing, it should include information about the reason for the complaint and also what the complainant would like to happen as a result of the complaint. The trust expects complaints to be submitted within six weeks of the incident in question. If a complaint is submitted later, the complainant will need to explain why they have not submitted it within the stated period. If further clarification in relation to the complaint itself is required, the complainant will be asked to provide this. The investigator may need to meet with the complainant in person.

Stage 4 Complainant writes to the Chair of Directors, requesting that the complaint / review of the complaint is heard by a complaints panel.

Action required: Chair arranges for a complaints panel to meet between 12 and 20 school days from receipt of letter and informs complainant of findings within 5 school days of hearing. Information is provided on how to contact the Education Funding Agency if required.

Further information: Complaints only very rarely reach this formal and final level. The Board of Directors is the accountable body for Torfield and Saxon Mount. Therefore a panel will usually include at least 2 Directors and up to one member of the relevant Academy Advisory Board. The Chair of the Board would not normally be involved in the panel if they have been involved at the previous stage. In addition, at least one individual who is not a director, governor or member of staff at Torfield or Saxon Mount will be appointed as a panel member. This is likely to be a director / trustee from a neighbouring academy trust. The complainant will be advised to provide any documentation they wish the panel to consider 5 days prior to the hearing. The hearing will be minuted and all relevant correspondence and notes will be kept on file by the trust.

The panel will invite the complainant to attend the hearing. In addition, any member of staff or governor who is the subject of the complaint is likely to be invited to attend separately and to provide information to the panel.

The complainant will be given reasonable notice of the proposed date and time of the hearing. The school will use reasonable endeavours to arrange the panel hearing for a date and time which is suitable for the parents, as well as the panel and the school.

The complainant may bring a family member or friend to support them.

It may also be that the panel need to obtain additional information or advice before reaching their conclusion. 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

Stage 5 Complainant writes to the Education Funding Agency

In certain circumstances, following the outcome of a stage 5 panel hearing, complaints could be taken to the Secretary of State using the form available on the EFA website.

Further information: The Secretary of State will only consider complaints about Academies where:

- There is undue delay or the Academy did not comply with its own Complaints Procedure when considering a complaint; or
- The Academy is in breach of its Funding Agreement with the Secretary of State; or
- The Academy has failed to comply with any other legal obligation.

Historical Complaints

Where a complaint is made that concerns a historical action or incident, it will not normally be taken forward. We define historical as more than 6 months ago.

Unreasonable Complaints

Where a complaint is considered to be vexatious, serial, repetitive or spurious, the investigator will write to the complainant explaining why the complaint is not being taken forward and informing them that they have the right to refer this decision to the Chair of Directors.

Support for employees who have been the subject of a complaint

In the first instance, staff members who have been subject to a complaint should seek support from their line manager or another senior member of staff. For information on the support and counselling service available to employees of the trust please contact the Federation Director of Resources.

Complaints from Staff

The day to day running and organisation of the school and the allocation of staff within the school is the responsibility of the Head of School as delegated by the Executive Headteacher. Staff who have any concerns relating to these areas should discuss them with their line manager in the first instance. If the issue remains unresolved they should arrange to speak to the Head of School or Federation Director of Resources. Following such discussion, they may wish to speak to the Executive Headteacher, who may require complaints to be put in writing. All complaints will be taken seriously and will be responded to. Informal and formal complaints from staff are usually managed using the grievance and workplace conflict policy.

The Executive Headteacher has the delegated powers on behalf of the governing body to invoke the East Sussex Grievance Procedures as is appropriate in staffing issues.

This policy is monitored on a day-to-day basis by the Executive Headteacher, who reports to governors about the effectiveness of the policy on request.

This policy was approved by the Board of Directors

Signed by:

Chair of Directors ...Jennifer Smith..... Date...23.3.2017.....

Executive Headteacher.....Richard Preece..... Date.....23.3.2017.....

Appendix 1

TORFIELD AND SAXON MOUNT ACADEMY TRUST COMPLAINT FORM

Please complete this form and return it to the relevant Head of School. If the complaint is about the Head of school, please return it to the Executive Headteacher. If the complaint is about the Executive Headteacher, please return it to the Chair of the board of directors.

Your name:

Pupil's name:

Your relationship to the pupil:

Please provide your contact address, email address and daytime and evening phone numbers:

Please provide details of your complaint, including the dates and times of any incident that has occurred:

**What actions have you taken so far to try and resolve your complaint?
(Who have you spoken / written to and what was the response?)**

**What remedy are you seeking and / or what would you like the outcome
of your complaint to be?**

Are you attaching any paperwork? If so please give details:

Signature:

Date:

