

Complaints Procedure

DATE OF POLICY: AUTUMN 2018

REVIEW: SUMMER 2020

Introduction

The STEP Academy Trust Board of Trustees has agreed this Policy and as such, it applies to all Academies within STEP Academy Trust ("the Trust").

At STEP Academy Trust, we are committed to improving the life chances of all children. Where we have the capacity to make a difference, we are morally bound to do so. Our vision is to establish a family of outstanding academies where world class leaders place the children at the heart of everything.

Contents

1. Aims
2. Legislation and guidance
3. Definitions and scope
4. Principles for investigation
5. Stages of complaint (not complaints against the Headteacher, governor, etc)
6. Complaints against the Headteacher or a governor
7. Alternative contacts for specific circumstances
8. Referring complaints on completion of the Academy/Trust's procedure
9. Persistent complaints
10. Record-keeping
11. Learning lessons
12. Monitoring arrangements

1. Aims

STEP Academy Trust aims to meet its statutory obligations when responding to complaints from parents of pupils at our academies, and others.

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect complainants' desire for confidentiality
- Treat complainants with respect
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into school improvement evaluation processes

This policy may be used by:

- a parent whose child attends or who has recently left a STEP Academy
- members of the public or other organisations
- a Governor, Trustee or Member about a member of staff at an academy or in the central MAT team
- a member of staff against an individual staff member, Governor, Trustee or Member
- stakeholders for Data Protection and Freedom of Information related matters

This policy is not intended to apply to concerns or complaints related to certain aspects of the MAT's work as these are covered under separate policies and procedures, eg child protection & safeguarding, admissions.

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

The Trust and Academy will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will ensure we publicise the existence of this policy and make it available on each Academy and STEP website.

2. Legislation and guidance

This document meets the requirements set out in part 7 of the schedule to [the Education \(Independent School Standards\) Regulations 2014](#), which states that we must have and make available a written procedure to deal with complaints from parents of pupils at the Academy.

It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on [creating a complaints procedure that complies with the above regulations](#), and refers to [good practice guidance on setting up complaints procedures](#) from the Department for Education (DfE).

This Policy complies with our Funding Agreement and Articles of Association.

In addition, it addresses duties set out in the [Early Years Foundation Stage statutory framework](#) with regards to dealing with complaints about the Academy's fulfilment of Early Years Foundation Stage requirements.

3. Definitions and scope

The DfE guidance explains the difference between a concern and a complaint.

A **concern** is defined as "an expression of worry or doubt over an issue considered to be important for which reassurances are sought".

The Academy will resolve concerns through day-to-day communication as far as possible.

A **complaint** is defined as "an expression of dissatisfaction however made, about actions taken or a lack of action".

The Academy intends to resolve complaints informally where possible, at the earliest possible stage.

Concerns:

The Academy expects that most concerns and difficulties, where a parent or student 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, allocation of privileges or responsibilities, a timetable clash, an issue with the Academy's systems or equipment, or a billing error.

Notification:

The concern or difficulty should be raised as follows:

Education issues – if the matter relates to the classroom, the curriculum or special educational needs, the Complainant should speak to the Year Leader, Assistant Headteacher or Deputy Headteacher, as appropriate.

Pastoral care – for concerns relating to matters outside the classroom, the Complainant should speak to the Year Leader, Phase Leader, Assistant Headteacher, or Deputy Headteacher as appropriate.

Disciplinary matters – a problem over any disciplinary action taken or a sanction imposed should be raised with the member of staff who imposed it in the first instance. If not resolved, the Complainant should speak to the relevant Year Leader, Assistant Headteacher, or Deputy Headteacher.

Financial and administrative matters – a query relating to fees, extras or other administrative matters should be raised by the Complainant with the Business Manager.

An issue with a specific member of staff – often, the best way to resolve an issue with a specific member of staff is to raise it with that member of staff directly, so that they are given the opportunity to address and resolve the concern or difficulty before it becomes a formal complaint. If the Complainant feels uncomfortable doing this, however, the issue should be raised with the Assistant Headteacher or Deputy Headteacher.

Should a concern or difficulty be raised with a member of staff who feels that they are not the best person to be dealing with it, they will refer it to the Year Leader, Assistant Headteacher, Deputy Headteacher or other designated member of staff as appropriate.

If a concern or difficulty is raised with a member of staff who feels that it raises serious issues which should be dealt with as a formal complaint immediately, the member of staff will tell the Complainant that they should put their complaint in writing to the Headteacher under Stage 2 of this Complaints Policy. If the Complainant would prefer to complete a form instead of writing a letter, the Complainant can complete the Complaint Form contained in Appendix 1 of this Complaints Policy to submit their complaint formally.

Complaints about services provided by other providers who use Academy premises or facilities should be directed to the provider concerned.

4. Principles for investigation

When investigating a complaint, we will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right

We also intend to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage. Although every effort will be made to comply with these time limits, it may not always be possible to do so, for example due to the complexity or number of matters raised and where further investigations are necessary. Where new time limits will be set, the complainant will be sent details of the new deadline with an explanation for the delay.

The Academy expects that complaints will be made as soon as possible after an incident arises and no later than 3 months afterwards. We will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

Complaints about our fulfilment of Early Years requirements

We will investigate all written complaints relating to the Academy's fulfilment of the Early Years Foundation Stage requirements, and notify the complainant of the outcome within 28 school days of receiving the complaint. The Academy will keep a record of the complaint (see section 9) and make this available to Ofsted on request.

Parents and carers can notify Ofsted if they believe that the Academy is not meeting Early Years Foundation Stage requirements, by calling 0300 123 4234 or 0300 123 4666, or by emailing enquiries@ofsted.gov.uk. An online contact form is also available at <https://www.gov.uk/government/organisations/ofsted#org-contacts>.

We will notify parents and carers if we become aware that the Academy is to be inspected by Ofsted. We will also supply a copy of the inspection report to parents and carers of children attending the setting on a regular basis.

5. Stages of complaint (not complaints against a Headteacher, Governor, etc)

Stage 1: Informal

The Academy will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

The complainant should raise the complaint as soon as possible with the relevant member of staff or the Headteacher, either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact the Academy office.

The Academy will acknowledge informal complaints within 5 school days, and investigate and provide a written response within 10 school days.

The informal stage will involve a meeting between the complainant and the Headteacher or deputy Headteacher and the subject of the complaint, if appropriate.

If the complaint is not resolved informally, it will be escalated to a formal complaint.

Stage 2: Formal

The formal stage involves the complainant putting the complaint into writing, to the Headteacher. This letter should provide details such as relevant dates, times and the names of witnesses of events, alongside copies of any relevant documents. The complainant should also state what they feel would resolve the complaint.

The Academy will acknowledge the complaint within 5 school days. The Headteacher (or other person appointed by the Headteacher for this purpose) will then conduct their own investigation. Depending on the nature of the complaint, the Headteacher may invite the complainant to a meeting to discuss their concern further and obtain additional information or clarify the resolution they are seeking. The written conclusion of this investigation will be sent to the complainant within 20 school days.

If the complainant is not satisfied with the response and wishes to proceed to the next stage of this procedure Stage 3, they should inform the chair of governors in writing within 10 school days of receipt of the outcome clearly setting out how and why they do not accept the findings made under Stage 2. The complainant should not repeat matters raised in their original letter, or attach documentation already provided. Furthermore the complainant should not introduce any new complaint, trivial or irrelevant information which the complainant expects to be taken into account and commented on or raise large numbers of detailed but unimportant questions.

Stage 3: Review Panel

Complaints will be escalated to the panel hearing stage if the complainant is not satisfied with the response to the complaint at the second, formal, stage.

The Academy will acknowledge the complaint within 10 school days (and inform the complainant of the names of the Complaint Panel members. If the complainant objects to any of the named persons being appointed to the Complaint Panel, they should notify the Clerk to the Strategic Governing Body within 5 school days of receipt of the letter. Fair consideration will be given to any bona fide objection to a particular member of the Complaint Panel).

The panel will be appointed by or on behalf of the Academy/Trust and must consist of at least 3 people who were not directly involved in the matters detailed in the complaint. At least 1 panel member must be independent of the management and running of the Academy (but may be a Governor of another Academy within the Trust). The panel cannot be made up solely of governing board members of the Academy to which the complaint relates, as they are not independent of the management and running of the Academy.

The panel will have access to the existing record of the complaint's progress (see section 9). The complainant must have reasonable notice of the date of the review panel; however, the review panel reserves the right to convene at their convenience rather than that of the complainant and this will usually take place within 20 days of receipt of the complainant's request. At the review panel meeting, the complainant and representatives from the Academy, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant must be allowed to attend the panel hearing and be accompanied if they wish. For the avoidance of doubt, the complainant's supporter will be present for moral support only and will not play any part in the proceedings, unless invited to do so by the Chair of the Complaint Panel, entirely at his/her own discretion. It is not appropriate for either the complainant or the Academy to be legally represented.

At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called, as appropriate, to present their evidence.

The panel, the complainant and the Academy representative(s) will be given the chance to ask and reply to questions. Once the complainant and Academy representative(s) have presented their cases, they will be asked to leave and evidence will then be considered.

The Complaint panel will then convene in private immediately after or on a subsequent date and will consider all the documentation and everything heard at the Panel Hearing.

The panel must then put together its findings and recommendations from the case. It will decide which facts are established to be true, on a balance of probabilities. If a fact is not deemed relevant, the panel will not consider it further. The panel will send an outcome letter with a copy of the findings and recommendations to the complainant and, where relevant, the individual who is the subject of the complaint and the Academy's representative. A copy will be made available on the Academy's premises for inspection by the Trust.

The Academy will inform those involved of the decision in writing within 20 school days of the meeting.

6. Complaints against the Headteacher

Complaints made against the Headteacher should be directed to the Chair of Governors and will be investigated using the same process as Stage 2.

The complaint will be acknowledged within 5 school days. The Chair of Governors (or other person appointed by the Chair of Governors for this purpose) will then conduct their own investigation. Depending on the nature of the complaint, the Chair of Governors may invite the complainant to a meeting to discuss their concern further and obtain additional information or clarify the resolution they are seeking. The written conclusion of this investigation will be sent to the complainant within 20 school days.

7. Alternative Contacts for Specific Circumstances

There are additional levels of governance who assume responsibility under specific circumstances for Stage 2 of this Policy.

Specifically:

- Where the complaint relates to the Chief Executive Officer, or a Trustee or a Member, the Chair of the Trustees assumes responsibility.
- Where the complaint relates to a governor, the Chair of the Academy Strategic Governing Body assumes responsibility.
- Where the complaint relates to the Chair of the Academy Strategic Governing Body, the Chair of the Board of Trustees assumes responsibility.

For complaints to be addressed to the Chair of the Board of Trustees, please contact the Company Secretary via:

- Email: cheryl.gilbert@stepacademytrust.org
- Post: Cheryl Gilbert, Company Secretary, STEP Academy Trust, Gonville Road, Thornton Heath, Surrey, CR7 6DL

The complaint will be acknowledged within 5 school days. The Chair of Trustees (or other person appointed by the Chair of Trustees for this purpose) will then conduct their own investigation. Depending on the nature of the complaint, the Chair of Trustees may invite the complainant to a meeting to discuss their concern further and obtain additional information or clarify the resolution they are seeking. The written conclusion of this investigation will be sent to the complainant within 20 school days.

8. Referring complaints on completion of the Academy's procedure

If the complainant is unsatisfied with the outcome of the Academy/Trust's complaints procedure, they can refer their complaint to the Education & Skills Funding Agency (ESFA). The ESFA will check whether the complaint has been dealt with properly by the Academy. The ESFA will not overturn an Academy's decision about a complaint.

However, it will look into:

- Whether there was undue delay, or the Academy did not comply with its own complaints procedure
- Whether the Academy was in breach of its funding agreement with the secretary of state
- Whether the Academy has failed to comply with any other legal obligation

If the Academy did not deal with the complaint properly, it will be asked to re-investigate the complaint. If the Academy's complaints procedure is found to not meet regulations, the Academy will be asked to correct its procedure accordingly.

For more information or to refer a complaint, see the following webpage:

<https://www.gov.uk/complain-about-school>

9. Persistent complaints

Where a complainant tries to re-open the issue with the Academy after the complaints procedure has been fully exhausted and the Academy has done everything it reasonably can in response to the complaint, the chair of governors (or other appropriate person in the case of a complaint about the chair) will inform the complainant that the matter is closed.

If the complainant subsequently contacts the Academy again about the same issue, the Academy can choose not to respond. The normal circumstance in which the Academy/Trust will not respond is if:

- The Academy has taken every reasonable step to address the complainant's needs, *and*
- The complainant has been given a clear statement of the Academy's position and their options (if any), *and*
- The complainant is contacting the Academy repeatedly but making substantially the same points each time

However, this list is not intended to be exhaustive.

The Academy will be most likely to choose not to respond if:

- We have reason to believe the individual is contacting the Academy with the intention of causing disruption or inconvenience, *and/or*
- The individual's letters/emails/telephone calls are often or always abusive or aggressive, *and/or*
- The individual makes insulting personal comments about, or threats towards, Academy staff
- Unreasonable behaviour which is abusive, offensive or threatening may constitute an unreasonably persistent complaint.

Once the Academy has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email.

The Academy will ensure when making this decision that complainants making any new complaint are heard, and that the Academy acts reasonably.

If the complainant contacts the Academy again on the same issue, then the correspondence may be viewed as 'serial' or 'persistent' and the Academy may choose not to respond.

10. Record-keeping

The Academy will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

This material will be treated as confidential and held centrally, and will be viewed only by those involved in investigating the complaint or on the review panel.

This is except where the Secretary of State (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or under the terms of Data Protection Legislation, or where the material must be made available during an Academy inspection.

A full written record will be maintained centrally at the Academy of all concerns, difficulties and complaints, whether they are resolved informally under Stage 1, or dealt with formally under Stages 2 or 3.

Records of concerns, difficulties or complaints will be destroyed when the student to which they relate reaches the age of twenty four years or, in the case of a student with a statement of special educational needs, until the student reaches the age of thirty years.

The details of the complaint, including the names of individuals involved, will not be shared with the whole governing board in case a review panel needs to be organised at a later point.

Where the governing board is aware of the substance of the complaint before the review panel stage, the Academy will (where reasonably practicable) arrange for an independent panel to hear the complaint.

Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the governing board, who will not unreasonably withhold consent.

11. Learning lessons

The Chair of Governors will review any underlying issues raised by complaints with the Headteacher, where appropriate, and respecting confidentiality, to determine whether there are any improvements that the Academy can make to its procedures or practice to help prevent similar events in the future.

The Chair of Governors will inform the Chair of Trustees and Executive Management Team of any proposed changes to procedures or practices.

12. Monitoring arrangements

The Chair of Governors and Board of Trustees will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The Clerk to the Governing Body will track the number and nature of complaints, and review underlying issues as stated in Section 10.

The complaints records are logged and managed by the Clerk to the Governing Body and Company Secretary.

Appendix 1 – Formal Complaint Form

Please complete and return to the Academy who will acknowledge receipt and explain what action will be taken.

Your Name:	Student's Name:
Your Relationship to Student:	Student's DOB and Form:
Address and Postcode:	Daytime Telephone Number:
	Evening Telephone Number:
Full details of complaint (including the names of all persons involved and the dates of incidents referred to):	
What action, if any, have you already taken to try and resolve your complaint (for example, 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:
<i>For Official Use:</i>	
<i>Date Acknowledgement Sent:</i>	
<i>Name of Person Complaint Referred To:</i>	
<i>Signature:</i>	<i>Date:</i>