



# Enable Trust

## Complaints Policy and Procedure

Reviewed by: Trustees

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<b>Contents</b>	<b>Pages</b>
Introduction	3-4
Scope	5
Policy	5-6
Procedure	7-8
Timescales	9
Appendix 1 - Organogram	10
Appendix 2 – Enable Trust complaint form	11-12
Appendix 3 – Enable Trust complaint review request form to escalate to next stage	13
Appendix 4 – Investigation Procedure	14-16

## Introduction

### Actions before making a complaint

Our complaints procedure is not intended to replace the normal informal discussions which take place between parents / carers, staff and the Headteacher on problems and concerns as they arise. Most issues can be resolved through this dialogue.

These concerns might include such matters as your child's work or progress, relations with staff, relations with other pupils including bullying, or your child's personal welfare.

The first point of contact regarding concerns should always be the class teacher. Appointments to see the class teacher are available both before and after school and may be made via the office. Please bear in mind though that teachers require time immediately before school to prepare for the day, and may have involvement with clubs or staff meetings after school, so may not always be available at short notice.

When meeting with the class teacher to raise your concerns, please be patient, the class teacher may need time to perform an investigation or put corrective measures in place and then determine their effectiveness. This informal stage may require several meetings to reach a conclusion satisfactory to all parties. Time will need to be allowed to discuss desired actions for the school and parent, timescales, and may require further meetings. If a parent / carer feels that a concern has not been solved through discussions with the class teacher, or that it is of a sufficiently serious nature, then an appointment to discuss it with the Headteacher should be made. The parent should indicate that the appointment is regarding a complaint.

### General principles regarding a complaint

The following principles will apply to any complaint

- The complaint will be handled with care and sensitivity.
- All stages of the complaints procedure will be investigatory rather than adversarial
- Confidentiality will be respected at all times
- Responses to any complaint will be prompt (timescales are detailed below)
- The Complainant will be given adequate feedback and kept informed of timescales
- The Complainant will be kept informed of the options to appeal during the process
- Any investigation will be thorough and fair
- Any investigation will address all the points at issue

If any Governor is contacted directly by a parent regarding a complaint, then that Governor will refer the parent to this complaints procedure. Individual Governors cannot act unilaterally by investigating a complaint or making any prior judgement about it. The Governor can only refer the parent to the class teacher, the Headteacher or the Chair of Governors as appropriate.

If the complaint is one that may result in disciplinary or legal action against the Headteacher, or the complaint is regarding the Headteacher, then the complaint will immediately be escalated to Stage 2.

If at any stage of a complaint it becomes apparent that the Complainant is seeking some sort of financial compensation then any investigation will be halted whilst legal advice is sought.

If an anonymous complaint is received it will not be investigated. However, if an anonymous complaint raises child protection issues then the complaint will be referred immediately to the Local Authority Designated Officer.

The Complainant should not attempt to bypass steps in the complaints procedure.

## COMPLAINTS POLICY

### 1. SCOPE

1.1. The complaints procedure is based on a principle that concerns expressed by a **pupil, parent, carer** or any **individual or organisation** with a concern should be resolved as quickly as possible without the need to escalate to the more formal stages of the procedure. However, where resolution is not achieved quickly and the person raising the complaint remains dissatisfied and wishes to take the matter further, the formal procedure will be invoked.

1.1.1. Stage 1 – Informal resolution to concern.

1.1.2. Stage 2 – Formal complaint heard by the Headteacher

1.1.3. Stage 3 – Formal complaint heard by the Local Governing Body panel (LGB).

1.1.4. Stage 4 – Appeal procedure - complaint heard by Trustees Panel. This may include the CEO as a Trustee.

1.1.5. Stage 5 - Handling of complaint referred to the Education Skills Funding Agency (ESFA).

1.2. Complaints brought by **staff** should be investigated using the Grievance procedure or whistle blowing policy that forms part of the safeguarding procedures and not this Complaints Policy.

1.3 Complaints related to **safeguarding children** should be investigated using the safeguarding policy and not this policy.

### 2. POLICY

2.1 We will listen to all concerns, complaints, suggestions and compliments and see them as opportunities to improve the quality of the service we provide. Enable Trust aims to work in partnership with stakeholders in the best interests of the children. Any complaint will be given careful consideration and will be dealt with fairly and honestly.

We will provide sufficient opportunity for any complaint to be fully discussed, and aim to resolve it through open dialogue and mutual understanding.

2.2. Headteachers will investigate complaints or may delegate to senior leaders if they feel appropriate. Anonymous complaints will not be considered.

2.3. The schools will retain a written record of all complaints and whether they were resolved at the informal, formal or panel level.

2.4. All written records, statements and correspondence relating to an individual complaint will be treated with complete confidentiality. However, the School is required to make these records available to the Secretary of State, the Regional Schools Commissioner or a body conducting an inspection such as OFSTED if they request access to them.

2.5. Written information sent out to a complainant may be in either electronic format or in 'hard copy' as the School/MAT sees fit.

2.6. The principles applied by all staff and Governors in applying the complaints procedure are that implementation of the procedure will be:

- Impartial
- Non-adversarial
- Timely
- Objective
- Evidence based
- Respects confidentiality
- Fair
- Addresses all of the points at issue
- Provides an effective response
- Provides appropriate redress where necessary
- Is reported to the senior leadership team so that services can be improved where necessary

2.7. It is in everyone's interest that complaints are resolved at the earliest possible stage.

2.8. At each stage of the complaints procedure the member of staff, Governor or Trustee responsible for overseeing the process will consider how the complaint may be resolved. In considering how a complaint may be resolved they will give due regard to the seriousness of the complaint. It may be appropriate in order to bring the complaint to a resolution for the offering of either:

- An explanation
- An apology
- Reassurance of steps that have been taken to prevent a recurrence of the relevant events
- Reassurance that the School will undertake a review of its policies in light of the complaint

2.9. The purpose of this procedure is to identify all of the facts that are pertinent to the complaint so that it can be resolved to the satisfaction of the complainant. However, there may be occasions when, despite all stages of the procedure being followed, the complainant remains dissatisfied. If the complainant then tries to reopen the same issue, the CEO or Chair of the Trustees is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

2.10. The complaints procedure sets out the time limits for each stage of the complaints processes. However, where a complaint is of a particularly complex nature, or further

investigations are required to ascertain facts, new time limits can be set. The complainant will be sent the details of any changes to the deadlines with an explanation for the delay.

2.11. The complaints policy and procedure will be published on the MAT's web site.

### **3. PROCEDURE**

#### **3.1. The Complaints Procedure has five clear levels.**

The policy is to try to deal with the complaint, to the satisfaction of the complainant, at the earliest possible level. Only if the complaint cannot be resolved at the informal level would it be escalated to the formal level. Only if the complaint cannot be subsequently resolved at the formal level, should it be escalated to a Governors' Panel. Only if the complaint cannot be subsequently resolved, should it be escalated to a Trustees' Panel.

##### **3.1.1. Stage 1 – Informal Procedure**

Most concerns and complaints can be satisfactorily resolved at this stage. The Trust values informal meetings and discussions to facilitate an early resolution.

There is no suggested time-scale for resolution at this stage given the importance of dialogue through informal discussion although it would be expected that most issues would be resolved as swiftly as possible.

Should the initial discussions appear unlikely to resolve matters, either party may initiate a move to the next stage (Stage 2) of the procedure. A copy of the complaints policy will be forwarded to the complainant at this stage. The complainant will be asked to complete the formal complaints form.

##### **3.1.2. Stage 2 – Formal complaint heard by the Headteacher**

The complainant will be notified within 2 working days of the receipt of the complaint.

The Headteacher will be notified of the complaint and will address the complaint within 10 working days. If a meeting with the complainant is required, the Headteacher will endeavour to arrange this within 10 working days of the complaint being received.

If the complaint is very serious then the Headteacher, at their discretion, may escalate the procedure directly to Stage 3.

Where the complaint concerns Headteacher or Governor, the complainant will be referred to the Chair of Trustees who will consider the complaint as a Stage 3 formal complaint with the Trustees panel.

Where the complaint concerns the CEO, the Chair of the Trust Board will consider the complaint as a Stage 3 formal complaint.

##### **3.1.3. Stage 3 – Formal complaint heard by the Local Governing Body**

If the complaint is not resolved by the Headteacher, the complainant may escalate the complaint to the Clerk to the Local Governing Body.

The clerk should write to the complainant acknowledging receipt of the written request for the complaint to be heard. This acknowledgement must be sent within 5 working days and should inform the complainant of the arrangements for hearing the complaint within 20 working days of receiving it.

The Governor Panel will be made up of between 3 to 5 members, one of which must be independent of the management and running of the School. No person involved should have previous involvement in the complaint.

Complainants will be notified of the result of the panel decision within 10 days of the hearing.

If the complainant is unhappy with the outcome at 'Stage 3' then a Trustees Panel, made up of 3 to 5 members that have had no previous involvement with the complaint, will hear it (stage 4).

#### **3.1.4. Stage 4 – Complaint heard by Trustees Panel**

The complainant needs to write to the Clerk to the Trust Board.

The clerk should write to the complainant acknowledging receipt of the written request for the complaint to be heard. This acknowledgement must be sent within 5 working days and should inform the complainant of the arrangements for hearing the complaint within 20 working days of receiving it.

The Trustees Panel will be made up of between 3 to 5 members, one of which must be independent of the management and running of the School. No person involved should have previous involvement in the complaint.

If the complaint is about the Chair, then the Vice Chair will hear it as a Stage 4 complaint.

The findings of the Trustees Panel are final.

Intervention of parallel investigations relevant to the complaint by the Police or social services may cause variation to these time scales. Any such variation will be notified to the complainant.

The Clerk to the Trust Board will send a formal written response to the complainant within 10 working days of the panel meeting.

#### **3.1.5. Stage 5 – Complaint Procedure referred to Education Skills Funding Agency**

If a complaint has been through all the stages of the Trust's complaints procedure but the complainant remains dissatisfied, they can ask the Education Skills Funding Agency (ESFA) to review the handling of the complaint.

Further information about referring the handling of a complaint to the EFA can be found at:

The complaints about academies page on the Department for Education website

<http://www.education.gov.uk/aboutdfe/complaintsprocedure/a00208461/academies>

### **3.2. Principles of investigating a complaint**

The principles that will form the basis for all investigations of complaints will be that the investigation:

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- Clarifies the nature of the complaint and what remains unresolved
- Establish what has happened so far, and who has been involved
- Clarifies what the complainant feels would put things right
- Interviews those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- Conducts the interview with an open mind
- Keeps a written record of the interview

#### 4. TIMESCALES

A written acknowledgement is provided to the complainant within 5 school days of receiving a complaint. The acknowledgement will give an explanation of the complaints procedure and will give a target date for providing a response to the complaint, which should normally be within 10 school days. If the target cannot be met a letter should be written within 10 school days explaining the reason for the delay and providing a revised target date.

The Headteacher will seek to meet or speak with all of the appropriate people in order to establish the facts relating to the complaint, if the information given on the complaints form necessitates this. This may include the complainant, staff and any other person.

Once all of the facts have been established the member of staff considering the complaint will then produce a written response to the complainant, or may wish to meet the complainant to discuss/resolve the matter directly.

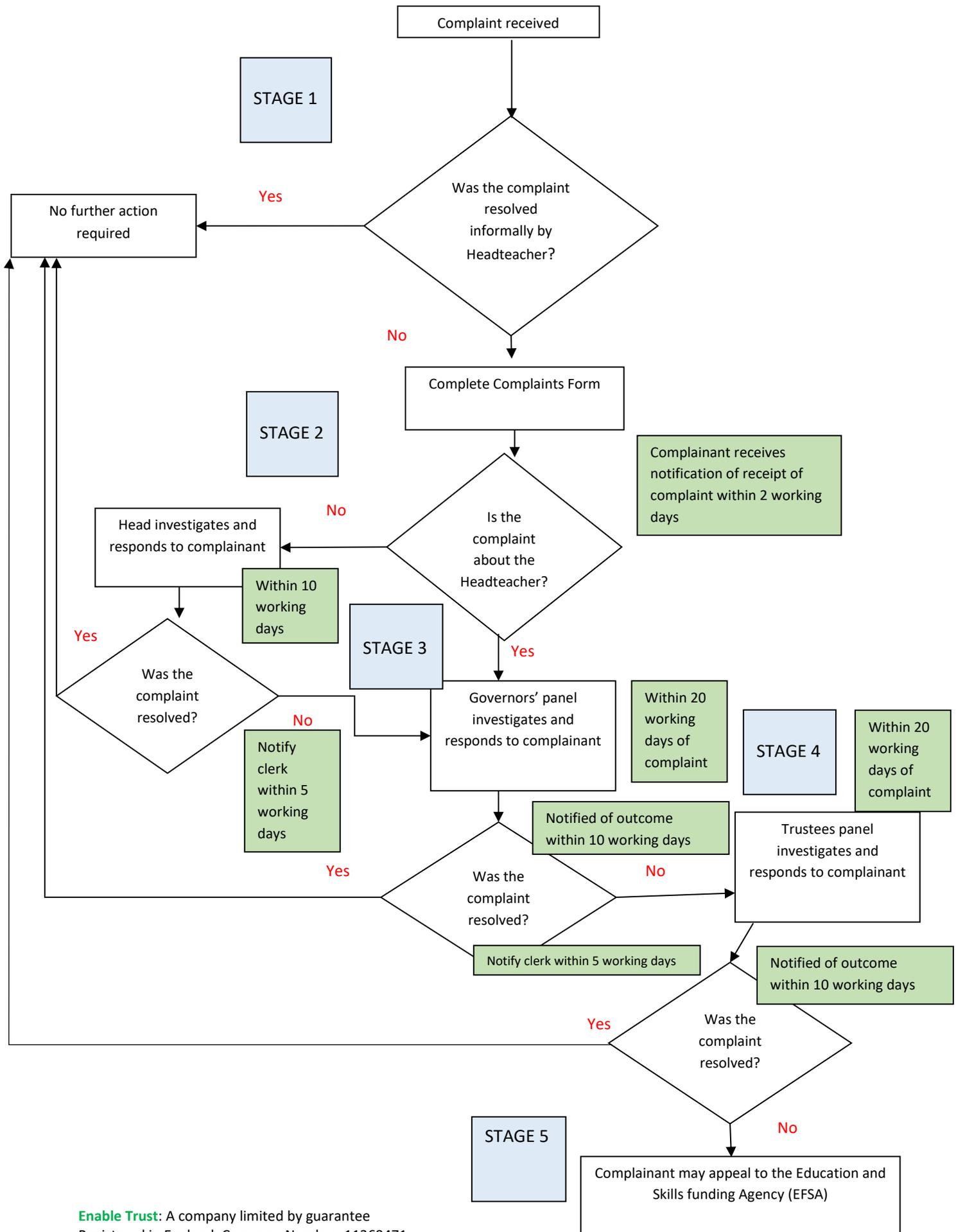
A written response should contain an outline of the complaint and a summary of the response to the complaint including the decision reached and the reasons for it. Where appropriate this should also include what response the School will take to resolve the complaint. This may be by way of a general description e.g. 'Action taken within the Disciplinary Procedure'.

When the investigation has been concluded the complainant will be informed in writing of the outcome, which should also inform the complainant that should he/she wish the complaint to progress to the third stage of this procedure then he/she should send a written request stating this to the Headteacher within 10 school days of receiving the response.

They may use the "Enable Trust Complaint Review Request Form" (Appendix 2) to escalate to next stage.

If no further communication is received from the complainant within 10 working days it is deemed that the complaint has been resolved and is closed.

## Appendix 1 - Complaints Policy Organogram



## Appendix 2

### Enable Trust Complaint Form

Please complete this form and return it to the Headteacher (or Clerk to the Local Governing Body), who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name: .....

Relationship with school [e.g. parent of a pupil on the schools roll]:

.....

Pupil's name [if relevant to your complaint]:

.....

Your Address:

Daytime telephone number: .....

Evening telephone number: .....

Please give concise details of your complaint, [including dates, names of witnesses etc...], to allow the matter to be fully investigated:

You may continue on separate paper, or attach additional documents, if you wish.

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What action, if any, have you already taken to try to resolve your complaint? [I.e. who have you spoken with or written to and what was the outcome?]

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

Signature:

Date:

**School use:**

Date Form received:

Received by:

Date acknowledgement sent:

Acknowledgement sent by:

Complaint referred to:			
Date:			

### Appendix 3

#### Enable Trust complaint review request form to escalate to next stage

Please complete this form and return it to the Head Teacher or Clerk to the governing body, who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name: Your Address:			
Daytime telephone number: Evening telephone number:			
Dear Sir/Madam			
I submitted a formal complaint to the school on .....and am dissatisfied by the procedure that has been followed.			
My complaint was submitted to ..... and I received a response from .....On.....			
I have attached copies of my formal complaint and of the response[s] from the school. I am dissatisfied with the way in which the procedure was carried out, because:			
You may continue on separate paper, or attach additional documents, if you wish.			
Number of Additional pages attached =			

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

Signature:

Date:

<u>School use</u> Date Form received: Received by: Date acknowledgement sent: Acknowledgement sent by:			
Request referred to:			
Date:			

## Appendix 4

### Investigation Procedure

The investigation of an allegation or a complaint should always be carried out thoroughly and responsibly, irrespective of whether the complaint appears to be trivial or serious. The outcome of such an investigation will have significance not only for the complainant but also for any member of staff against whom a complaint has been made.

Any anonymous complaint will not be investigated, unless there are exceptional circumstances. These would include serious concerns such as Child Protection issues or bullying allegations, where the school should either involve appropriate external agencies or else conduct its own internal review to test whether there is any corroborative evidence which might trigger a formal investigation.

### Preparing for an Investigation

Where the school receives a formal complaint, it should be acknowledged and a commitment made that the complaint will be investigated and the outcome of the investigation notified to the complainant in due course.

It is essential that there is a clear understanding of the complaint. Where necessary the nature of the complaint should be confirmed with the complainant. E.g. through an initial meeting. (If an investigator is appointed there may need to be more detailed follow-up.)

Any member of staff against whom a complaint has been made, should be notified that a complaint has been received and that the appropriate school procedure will be followed. It is usually not appropriate to provide the member of staff with details of the evidence on which the complaint is based until any investigation has been completed. However the member of staff does need to be able to understand the nature of any allegations against them.

Once any complaint has been confirmed the school needs to determine which procedure (school or LA) is most appropriate and to select an appropriate person to conduct any investigation.

### Conducting the investigation

The investigation must be carried out in accordance with the provisions of the relevant procedure.

Arrangements should be agreed so that accurate notes can be taken of all interviews and the outcome of the investigation be accurately recorded.

The complainant should be given the opportunity to offer documentation and to identify potential witnesses or sources of evidence.

The member of staff subject to the complaint should be advised that they may be accompanied by a friend or trade union representative when invited to be interviewed.

Where children are potential witnesses, discretion should be exercised over their involvement. Pupils should only be interviewed when the nature of the complaint is sufficiently serious to warrant it and adult witnesses are not available. Only in extreme circumstances will younger pupils be interviewed.

Any interviews should be conducted as soon as possible to ensure that recollections are as fresh as possible and to minimise the possibility that evidence will become tainted through witnesses discussing alleged incidents with other persons.

In conducting interviews, the investigator should prepare the questions to be asked prior to the interview. These can always be supplemented during the interview. The investigator should allow the interviewee to answer in their own way. Their responses should be listened to attentively. Any temptation to cut an interviewee short or to seek to "lead" them must be resisted. The interviewee should be given the opportunity of providing other relevant information at the end of the interview.

Interviewees should, however, be advised that their responses must be confined to the substance of the complaint. Any attempt by the interviewee to introduce information relating to other members of staff or to issues unrelated to the complaint should be resisted.

The investigator should avoid reaching conclusions or passing judgement until the investigation has been completed and their report is being written.

### **Concluding the investigation**

The report may contain:

- a brief outline of the process that has been followed
- a statement of the complaint/concern
- a summary of the findings, linked to the relevant evidence
- any recommendations for future action
- annexes containing copies of witness statements and other evidence collected during the investigation

The report of the investigation will usually be confidential to the school, as it is likely to contain sensitive personal information. If a request is received to release the report, under either the Data Protection Act or Freedom of Information, the school should seek legal advice from the LA.

A summary of the process undertaken and the outcome of the investigation may be provided to the complainant. Caution must be exercised in reporting back to the complainant as revealing certain details may prejudice the ability of an employee to continue in post.

Following consideration of the report by the relevant body, any final recommendations may also be shared with the parties, unless there is good reason not so to do. Wherever possible, recommendations should be constructive and not punitive.

The complainant should be advised that he/she may, if they are not satisfied that the appropriate procedure has been followed, request a review of that process by the governing body.

*Taken from the National Association of Head Teachers Policy and Guidance (2009).*