



Challenge for Achievement

# The Russett Learning Trust Complaints Policy and Procedure

## For:

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This is a statutory policy and it will be reviewed/amended Autumn Term 2020

## Document Control

There is one controlled copy of this document on Trust Governor.

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## Index

	<b>page</b>
<b>1. Introduction</b>	3
<b>2. Scope of the procedure</b>	3
<b>3. General Principles</b>	3
<b>4. Dealing with Complaints</b>	5
a) Initial Concerns	5
b) Investigating Complaints	6
c) Resolving Complaints	6
<b>5. Stages of the Procedure</b>	7
a) Informal Stage	7
b) Formal Stage	7
c) Panel Stage	8
<b>6. Managing and Recording Complaints</b>	9
a) Recording Complaints	9
b) Governing Body Review	10
c) Publicising the Procedure	10
<b>7. Unreasonable and persistent complainants</b>	11
<b>Appendix 1: School Complaint Form</b>	13
<b>Appendix 2: Complaint Panel: Remit</b>	15
<b>Appendix 3: Complaint Panel: Roles and Responsibilities</b>	16
<b>Appendix 4: Checklist for a Complaint Panel Meeting</b>	18
<b>Appendix 5: Overview of Complaints Procedure</b>	19

## **1. Introduction**

All academies must have a complaints procedure which meets the standards set out in legislation.

This procedure has been approved and adopted by The Russett Learning Trust to allow parents/carers of pupils attending academy schools within the trust to raise a concern or complaint about the academy or the trust.

We will also usually follow this procedure when dealing with complaints from others but in those cases reserve the right to substitute this procedure for an alternative process where it is appropriate to do so.

The Complaints Procedure is referred to in all relevant academy documents and publications (e.g. prospectus; school website; etc.).

The Complaints Co-ordinator is responsible for the operation and management of the complaints procedure. At The Russett School the Complaints Co-ordinator is the Clerk to the Local Governing Committee.

The intention of this procedure is to provide a clear and transparent process that will enable all complaints to be dealt with as quickly and efficiently as possible. The length of time that this takes will vary with the gravity and complexity of the complaint and the urgency with which it needs to be settled. However, all complaints should be settled within a period which is reasonable in the circumstances.

## **2. Scope of the Procedure**

This procedure does not apply to concerns and complaints relating to the following, which are dealt with under separate procedures:

- Exclusions;
- Admissions;
- Appeals relating to internal assessment decisions for external qualifications;
- Complaints about statements of SEN/EHC plans;
- Whistleblowing
- Complaints about services provided by third parties on academy premises or using academy facilities
- Grievances or disciplinary issues relating to members of staff; or
- Issues related to child protection.

We will not consider complaints in the following circumstances:

- We receive the complaint more than three months after the incident occurred or for ongoing issues more than three months from the last instance causing complaint unless there are exceptional circumstances.

- Where the complaint has been made previously to us about the same issue which has been fully investigated and/or resolved under this policy
- Anonymous complaints(unless there are exceptional circumstances)
- Unreasonable and Persistent complaints
- The complaint is made by a third party on behalf of another person without prior authority
- If the complaint is about a third party provider of a service that is organised or facilitated by us – complaints of this nature should be directed to the service provider
- Complaints about matters that are the subject of legal action

If we decide that we are unable to consider your complaint, we will write to you within three academy weeks following receipt of your complaint and explain why. In some circumstances, we may decide that your concern(s) should be considered using another policy or procedure.

See Section [4] for further information of other bodies to whom complaints may be directed. Although these complaints cannot be formally investigated by the academy and/or the Russett Learning Trust, they should be brought to the attention of the academy and/or the trust, as we may be able to resolve that complaint or provide additional information/support.

Employees of the academy cannot use this procedure but, where necessary, should raise concerns via the appropriate academies grievance procedure.

### **3. General Principles**

All complaints will be dealt with in a transparent way and as quickly as is reasonably practicable. Complainants will be kept informed during the investigation of their complaint and of the outcome, except where this is confidential (e.g. in the case of a staff disciplinary process). Every effort will be made to resolve complaints in a non-confrontational and informal way.

Where the timescales within this procedure cannot be adhered to, the complainant will be informed as to why this is the case, and given a revised timescale for dealing with the complaint. This will be done within the specified timescale. All references to timescales in terms of 'academy days' refer to days on which the academy is open to pupils and for staff training days.

The Local Governing Committee will ensure that they have appropriate arrangements for recording complaints and the way in which they are resolved. Further, that they will regularly (at least once per academic year), monitor the nature and level of complaints, so as to best ensure the effectiveness of the procedure, and consider any underlying issues the school may need to address, including whether specific actions identified by governors' complaint panels have been addressed.

In the event of a Complaint Panel being convened at the Panel Stage of the procedure, members of this Panel will not have had any prior involvement in, or knowledge of, the complaint so that governors' impartiality can be guaranteed. One member of the Panel will be independent of the management and running of the academy and the trust.

There may be rare occasions when, despite all the stages of the procedure having been followed, a complainant remains dissatisfied. If s/he subsequently seeks to re-open the same issue, the Chair of Governors (or Chair of the Complaints Panel) has the right to inform him/her that the procedure has been exhausted and the matter is closed.

This complaints procedure will:

- encourage resolution of problems by **informal** means wherever possible
- 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, where necessary
- provide **information** to the school's senior management team so that services can be improved.

#### 4. Stages of the Procedure

The underlying principle of this procedure is that many concerns ought to be handled, if at all possible, without the need for formal procedures. The stages described below do not in any way undermine efforts to resolve the concern informally. In most cases the class teacher (or the individual delivering the service in the case of extended academy provision) should receive the first approach.

##### Stage 1: Informal Stage

Many concerns can be resolved quickly and informally. There are many occasions where issues are resolved immediately through the class teacher or another member of staff, depending upon the nature of the concern. Unless there are exceptional circumstances every effort will be made by the academy to have a full discussion with the complainant before moving into the formal stages of this procedure.

If the matter is brought to the attention of the Executive Headteacher/Head of Academy, s/he may decide to deal with your concerns directly at this stage. If the

concerns are about the Headteacher, these should be referred directly to the Chair of Governors under Stage 2.

The Executive Head Teacher/Head of Academy, or other member of staff nominated by him/her, should meet with the complainant to discuss his/her concerns **within ten academy days** of the concerns being brought to his/her attention. Where necessary the Executive Head Teacher/Head of Academy, or other nominated member of staff, should investigate the issues raised. The Headteacher or member of staff will make sure that you are clear on what action (if any) has been agreed. This may be put in writing if appropriate.

Where the complainant is dissatisfied with the outcome under Stage 1 and wishes for their concerns to be dealt with as a formal complaint, the concerns should be put in writing under Stage 2.

### **Stage 2: Formal Stage**

If the concerns cannot satisfactorily be resolved informally, the complainant should put their complaint in writing to the Executive Headteacher/Head of Academy Chair of Governors (or nominated governor where the complaint is against the Headteacher/Chair of Governors). The complainant is to use the school's Complaint Form (**Appendix 1**) at this stage.

The Executive Head Teacher/Head of Academy/Chair/nominated governor may meet with the complainant to discuss his/her concerns **within ten academy days** of receiving the complaint, or as soon as is reasonably practicable after this. The Complaints Co-ordinator will attend this meeting to record the minutes.

A full investigation should be carried out as appropriate. If necessary, witnesses will be interviewed and statements taken from those involved. The Headteacher/Chair/nominated governor will review the investigation and reach a decision.

Once all the relevant facts have been established, the Headteacher/Chair/nominated governor will communicate his/her response in writing to the complainant.

Where the complainant is dissatisfied with this response the complaint should move to the Panel stage of the procedure **within ten academy days** of receipt of the Chair of Governor's written response. If no response is received from the complainant within this timescale, the matter will be considered closed.

### **Stage 3: Panel Stage**

The complainant should send a written request for a Complaints Panel to the Chair of Governors, using the school's Complaints Form (Appendix 1), or, where the complaint is against the Chair, to the Vice-Chair. This should state the original complaint and the reasons for continued dissatisfaction and should be submitted

**within ten academy days** of receipt of the Headteacher's/Chair of Governor's written response to Stage 2 of the procedure.

A Complaints Panel will be convened by the Complaints Co-ordinator consisting of three or five governors/directors who have had no previous involvement in consideration of the complaint, one member of which will be independent of the management and running of the school or academy trust,. Where the complainant is a parent, governors may wish to consider the possible advantages of this panel including a parent governor. The Complaints Panel will appoint its own Chair.

The complainant has the right to attend the meeting of the panel and be accompanied at this meeting by a friend, family member, advocate or interpreter. If the complainant chooses to do so, they must advise the Complaints Co-ordinator of the person's name and relationship to the complainant no later than **two academy days** prior to the date of the Complaints Panel meeting.

The remit and roles and responsibilities of members of the Complaints Panel are outlined in **Appendices 2 and 3**. A Complaints Panel Meeting will be held in accordance with the procedure outlined in **Appendix 4**

The meeting of the Complaints Panel should take place as quickly as possible, and every effort will be made to enable the hearing to take place **within twenty academy days** of receipt of the request.

As soon as reasonably practicable and in any event at least 5 academy days before the hearing, the complainant will be sent written notification of the date, time and place of the hearing, together with brief details of the Panel members. All relevant documentation must be circulated to all parties **at least five academy days** in advance of the meeting.

The Panel's decision should be communicated in writing to the complainant as soon as possible but, in any case, **within five academy days** of the meeting. The Panel's response should detail whether the complaint is upheld wholly or in part and briefly summarise the basis on which the Panel arrived at this conclusion. The response should also include any lessons learnt and specify any action to be taken by the school as a result of the complaint and within what timescales.

The response must also be provided to the Headteacher (or other person complained about) and be made available at the academy for inspection by the Russett Learning Trust and/or Headteacher.

#### **Stage 4: Referral of complaint to the Education & Skills Funding Agency**

If the complainant is dissatisfied with the decision of the Complaints Panel, in certain circumstances he/she is entitled to refer the complaint to the Education & Skills Funding Agency (ESFA) who has limited powers to review the handling of the complaint in accordance with the ESFA's 'Procedure for dealing with complaints about Academies'.

At the time of writing this procedure, the EFA procedure and the EFA academy complaints form are available at:

<https://www.gov.uk/government/publications/complain-about-an-academy/complain-about-an-academy> The following organisations may also be able to assist further in the event that the complainant remains unsatisfied with the outcome of this complaints procedure, or wishes to pursue a complaint that we are unable to investigate:

Complaint	Who to contact
Examination results or curriculum content	Ofqual and the awarding body
Undue delay/not complying with the complaints policy when considering complaint, where there is a breach in the schools funding agreement or it fails to comply with any legal obligation	Education & Skills Funding Agency (ESFA)
Safeguarding or child protection matters	Local Safeguarding Children's Board
Discrimination	Equality Advisory and Support Service
A child or young person's EHCP	LA
Employment Matters	Employment Tribunal
Data protection or freedom of information	Information Commissioners Office
For complaints that affect the whole school(i.e. problems with the quality of education or poor management	Ofsted

**Appendix 5** gives an overview of the full procedure.

## 5. Managing and Recording Complaints

### a) Recording Complaints

The Complaints Co-ordinator will record the progress of the complaint and the final outcome in writing.

The Complaints Co-ordinator should record:



- brief notes of meetings and telephone calls
- any written response made to the complainant
- any other documentation that is relevant to the complaint

The Complaints Co-ordinator is responsible for maintaining accurate and complete records and will hold them centrally in a complaint file for at least 12 months from the final correspondence/action on a particular complaint. In relation to a complaint from a student the record will be kept for at least 12 months after the student leaves the school, this is to ensure that the details are available should a future complaint arise.

Records of complaints will include whether the complaint was resolved at the formal stage or following a complaint panel hearing. The record will also include any action taken by the academy as a result of the complaint (even in circumstances where the complaint was not upheld).

Correspondence, statements and records relating to individual complaints will be kept confidential except where access is requested by the Secretary of State or where disclosure is required in the course of a school inspection or under other legal authority.

Meetings must **not** be tape recorded at any stage of the procedure, and this will be stated by the Complaint Co-ordinator at the commencement of the Informal Stage, but with the **proviso** that recording would be allowed if all persons in the meeting agreed to it. If the complainant does still go ahead and record meetings, they will be told that the recording will not be considered as part of the investigation of the complaint.

#### **b) Trust Board Review**

The Trust Board will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary.

Complaints information shared with the whole Trust Board will not name individuals.

As well as addressing an individual's complaints, the process of listening to and resolving complaints will contribute to academy improvement. When individual complaints are heard, academies may identify underlying issues that need to be addressed. The monitoring and review of complaints by the academy and the Governing Body can be a useful tool in evaluating a academies performance.

#### **c) Publicising the Procedure**

There is a legal requirement for the Complaints Procedures to be publicised. The academies Complaints Policy and Procedure is publicised in the:

- academy prospectus

- information given to new parents when their children join the academy
- academy website.

## **6. Unreasonable and persistent complainants**

We expect anyone who wishes to raise concerns to:

- Treat all members of the Russett Learning Trust and the academy community with courtesy and respect
- Avoid the use of violence, or threats of violence, towards people or property
- Allow us reasonable time to respond to a complaint following the complaints procedure.

Whilst we recognise that some complaints may relate to serious and distressing incidents, we will not accept threatening behaviour or harassment towards any member of the Russett Learning Trust or the academy community.

In a minority of cases, people pursue their complaints in a way which can either impede the investigation of their complaint or can have significant resource issues for the academy or the Russett Learning Trust. This can happen either while their complaint is being investigated, or once the investigation has been concluded.

We define unreasonable persistent and vexatious complaints as those complainants who, because of the frequency or nature of their contacts, hinder our consideration of their complaints. We regard harassment as the unreasonable pursuit of issues or complaints, particularly if the matter appears to be pursued in a way intended to cause personal distress rather than to seek a resolution.

We will not tolerate any form of unacceptable behaviour. In cases of vexatious/unreasonably persistent complaints or harassing/abusive behaviour, we may take some or all of the following steps, as appropriate:

- Inform the complainant informally or formally that their behaviour is now considered to be unreasonable or unacceptable, and request a changed approach.
- Require any personal contact to take place in the presence of an appropriate witness.
- Restrict contact to certain methods, such as in writing or through a third party
- Not reply to or acknowledge any further contact from them on the specific topic of that complaint and/or
- Ban the individual from entering the academy premises
- Report the matter to the police or take legal action

Any restriction that is imposed on the complainant's contact with us will be appropriate and proportionate and the complainant will be advised of the period of time the restriction will be in place for. The Russett Learning Trust will always be involved with a decision to apply any of the steps detailed above unless emergency action is required.

Legitimate new complaints will always be considered and treated on their merits in accordance with this policy.

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**Appendix 1**

**Academy Complaint Form**

Please complete and return to .....(Complaints Co-ordinator)  
who will acknowledge receipt and explain what action will be taken.

Your name:

Pupil's name:

Your relationship to the pupil:

Address:

Postcode:

Email address:

Day time telephone number:

Evening telephone number:

1. Please give details of your complaint.

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

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

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

Your Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**For Official Use**

Date acknowledgement sent: \_\_\_\_\_

By whom: \_\_\_\_\_

Complaint referred to: \_\_\_\_\_

Date: \_\_\_\_\_

## Complaints Panel: Remit

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 school's systems or procedures to ensure that problems of a similar nature do not recur.

There are several points which any individual sitting on a Complaints Panel needs to remember:

- a. It is important that the panel hearing is independent and impartial and that it is seen to be so. No individual may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the Panel, the Complaints Co-ordinator needs 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.
- b. The aim of the meeting, which needs to be held in private (and possibly at a neutral venue), 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.
- c. Usually, all parties (with the exception of any witnesses, as appropriate) should be present in the meeting simultaneously so that all views can be heard/challenged as appropriate. There may be occasions where the panel takes a view that it would be inappropriate for both parties to be present before the panel at the same time. In such cases, the panel will in advance of the meeting set out the proposed procedure it intends to follow in order to hear and resolve the complaint effectively.
- d. 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.
- e. Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's

parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.

- f. The individuals sitting on the panel need to be aware of the complaints procedure and the need to respect confidentiality.

## Appendix 3

### Complaints Panel: Roles and Responsibilities

#### The Role of the Clerk

The Complaint Panel meeting will be clerked by the Complaint Co-ordinator, and as a minimum, the Complaint Co-ordinator will attend the meeting to take the minutes, and ensure that the minutes are distributed to Panel members **within 3 academy days** of the meeting.

The clerk is the contact point for the complainant and is required to:

- set the date, time and venue of the Complaint Appeal Meeting, 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 meeting
- meet and welcome the parties as they arrive at the meeting
- record the proceedings
- distribute the minutes to the Complaints Appeal Panel members **within 3 academy days** of the meeting
- notify all parties of the Panel's decision.

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

The Chair of Governors or nominated governor role:

- check that the correct procedure has been followed
- if a Complaint Panel meeting is requested, notify the clerk to convene the panel and make the necessary arrangements.

#### The Role of the Chair of the Panel

The Chair of the Panel has a key role, ensuring that:

- 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 an informal manner with each party treating the other with respect and 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
- the Panel can decide to adjourn the hearing pending further investigation at any stage, if this seems necessary
- written material is seen by all parties and if a new issue arises it would be useful to give all parties the opportunity to consider and comment on it
- the Panel reaches a unanimous or majority decision as to whether or not to uphold the complaint wholly or in part, and what action (if any) the school needs to take to resolve the complaint
- the full Governing Body receives a report regarding the nature and outcome of the complaint at the next full Governing Body meeting following the Complaint Panel meeting.

The **Checklist for a Complaint Panel Meeting (Appendix 4)** gives guidance on the management of this meeting.

### **Notification of the Panel's Decision**

The Chair of the Panel will ensure that the complainant is notified of the Panel's decision, in writing, with the Panel's response within five academies days of the meeting. This letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed. The Chair will also ensure the decision letter is provided to other persons as required by this complaints policy.

### **Equality Act 2010**

In accordance with its Public Sector Equality Duty, the The Russett School Learning Trust has given due regard to equality considerations in adopting this policy/procedure and is satisfied that its application will not impact adversely on members of staff who have a protected characteristic (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation) within the meaning of the Equality Act 2010

In addition, the Russett Learning Trust is committed to promoting equality and will ensure that the appraisal process is fair and non-discriminatory and that monitoring data should be included in the head teacher/Head of School's report covering each of the protected characteristics within the Equality Act 2010.

The head teacher will also report on whether there have been any appeals or representations on an individual or collective basis on the grounds of alleged discrimination under any of the protected characteristics.



**Checklist for a Complaints Panel Meeting**

The Complaints Panel may regulate its own procedure and may conduct the meeting as follows (where parties are present at the same time):

The hearing is as informal as possible

The parent and the Executive Headteacher/Head of Academy will enter the hearing together

Chair to ensure that all parties introduce themselves and emphasise that the members of the Complaints Panel have had no prior information about the complaint other than the papers sent out in advance of the meeting

Chair to emphasise that the confidentiality of all parties will be respected and adhered to, including:

- Complainant
- Panel members
- Witnesses

The meeting must not be tape recorded

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 any witnesses

The Executive Headteacher/Head of Academy may question both the complainant and any witnesses after each has spoken

The Executive Headteacher/Head of Academy is then invited to explain the school's actions and be followed by any school's witnesses

The complainant may question both the Headteacher and any witnesses after each has spoken

The Panel may ask questions at any point

The complainant is then invited to sum up their complaint

The Executive Headteacher/Head of Academy 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 five working days

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

The Panel will determine the issue and provide a written decision with reasons which will be

sent to the Complainant and others as required by this complaints policy.

**Note:** the above steps are a guide only – it may be more appropriate to explore the complaint chronologically, allowing all parties to discuss each key aspect of the complaint before moving on to the next.

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