

# Complaints Policy

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## Policy statement

The complaints policy applies to all academies within The Spencer Academies Trust.

All academies are required by law to have a policy which deals with the handling of concerns and formal complaints. The Spencer Academies Trust complaints policy may be used by parents and carers, pupils and students of the Trust and members of the wider Trust community including other stakeholders.

The complaints policy has been developed taking into account statutory requirements and operational best practice within academies. The complaints procedure will:

- be well publicised and easily accessible;
- be simple to understand and use;
- encourage the resolution of problems by informal means wherever possible
- be impartial;
- establish time limits for action and keeping people informed of progress
- be non-adversarial;
- respect people's confidentiality;
- ensure full and fair investigations where necessary;
- address all points of issue, providing a response and appropriate redress

The governors and employees of the Trust aim for all our pupils to benefit from an outstanding quality of education and services, within a happy, safe and caring environment.

If we have failed to live up to these high standards, we want to know about it. The outcome of a complaint will be used to reflect on the services provided by The Spencer Academies Trust or at academy level, and if necessary, to improve processes.

The complaints process is however designed to support meaningful improvement and redress for those affected by any lapse in the standard of services. Just as we will aim to resolve concerns close to the point of origin, concerns should be considered as close in time to the point of origination as is practicable.

A complaint made more than three months after the event complained of will not normally be considered, except in the exceptional circumstances in which this is clearly appropriate. Similarly, anonymous concerns or complaints will not normally be investigated under this policy, unless there are clearly distinguishing features including any safeguarding concern.

## **Distinguishing between concerns and complaints**

The complaints policy should help to draw a distinction between a concern and a complaint. Taking informal concerns seriously at the earliest stage helps to support early resolution and can be beneficial to both complainant and Trust. Wherever possible, concerns will be handled without recourse to formal procedures.

The requirement to have a complaints procedure need 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, will receive the first approach, and will seek to deliver early resolution, including apologising for any failure to deliver on the ordinary high Trust standards where necessary.

Formal complaint procedures will be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

## **Resolution at the point of origin**

The reporting of concerns is encouraged by the Trust and Trust academies. We aim to resolve concerns as close to the source of the misunderstanding or problem as possible. The following procedure acts as a framework to allow concerns or matters for clarification to be raised confidentially and provides for a thorough and appropriate investigation of the matter, leading to resolution.

## **Complaints framework**

Complaints which relate to admissions, exclusions, SEND provisions, Academy reorganisations and matters of child protection or whistleblowing are covered by other policies. There are also separate policies for managing employee discipline, grievance, harassment and bullying. Complaints concerning a Principal, Executive Principal or the CEO of the Trust will be managed in the case of the Principal or Executive Principal by the CEO or in the case of the CEO by the Chair of the Trust Board of Directors.

Guidance on managing the complaints procedures is available from the Trust Head of Governance. Academy staff receiving complaints are encouraged to consult the Head of Governance before seeking to apply the Complaints Policy to individual procedures.

## **Resolution of initial concerns**

Initial or informal concerns or complaints can be made either in person, by telephone or in writing to the class teacher or other appropriate member of staff. The member of staff will undertake an initial investigation and decide on appropriate action, advising the academy and supporting the school in keep a record of the response. The complainant will be advised how to make a formal complaint if they remain dissatisfied.

There is an expectation that initial concerns will ordinarily be reported at an appropriate level of delegation with the Trust, and that this avenue will be considered prior to escalation to formal complaint being considered.

## **Resolution of formal complaints (Stage one)**

Where informal resolution of concerns is not possible, or the serious of the complaint otherwise warrants escalation, concerns may be escalated to a formal complaint.

At academy level, formal complaints should initially be raised with the Principal. If a complaint is about the work of the Trust the complaint should normally be sent to the Chief Executive Officer. Contact details for academy and leadership teams can be found on academy and Trust websites respectively.

Formal complaints must be submitted in writing, unless in exceptional circumstances where this may help overcome particular difficulties caused by a disability, or difficulty understanding English. Complainants should include details which might assist in investigation, such as names of potential witnesses, dates and times of events and copies of relevant documents and should include a clear statement of the actions that you would like the Trust or academy to take to resolve your concern.

## **Time allotted for acknowledgement and investigation of complaints**

Receipt of formal complaints at stage one and stage two will be acknowledged within 10 working days. Wherever possible, investigations undertaken will be concluded within 20 working days of receipt of the formal complaint form. Where the complaint is complex or requires further investigation, an extension to this timeframe may be considered.

## **Offer of meeting in resolution**

Following an initial investigation, a meeting will be offered in resolution of concerns. At least 10 working days' notice of the date, time and place of the formal meeting will be given, and every effort made to agree a mutually suitable time. The written notification will include details of the concerns raised and information on the actions already taken. This will allow the complainant a reasonable opportunity to consider this information before a meeting and provide a further written response should they wish, which should be submitted three working days before the meeting. Complainants should take all reasonable steps to attend a meeting.

A meeting may be adjourned if the Academy is awaiting receipt of information, needs to gather any further information or give consideration to matters discussed at a previous meeting. The complainant will be given a reasonable opportunity to consider any new information obtained before the meeting is reconvened.

Confirmation of the outcome including any decisions, findings and recommendations made at a formal meeting under stage one and stage two will be given in writing, usually within 5 working days of the meeting, unless further investigation is required. Where this is the case, the complainant will be advised of the necessity and revised timeframes in writing.

Notes of formal meetings held under the Complaints Policy will be taken and a copy provided to all parties. Complainants may bring a companion who may be a relative or friend to any formal meeting under stage one or stage two of this policy. Their identity must be confirmed before the meeting takes place. Some companions may not be allowed: for example, anyone who may have a conflict of interest, or whose presence may otherwise prejudice a meeting.

## Formal complaint process

Following the receipt of a written complaint the Principal or their appointed representative will undertake an initial investigation. If the complaint is about a Principal or executive Principal it will be investigated by the Chief Executive Officer or their appointed representative. If the complaint is about a director, the chair of a local governing body or other member of an LGB it will be investigated by the Chief Executive Officer or their appointed representative.

The formal complaint process and timeframes allotted are as above.

## Resolution of formal complaints (stage two)

If formal stage one complaint has been completed and the complainant is dissatisfied with the way in which their complaint has been handled or the outcome, the case may be referred to the Chief Executive Officer for the appointment of a complaints panel. The process for escalation to a stage two complaint is by letter to the Head of Governance citing the procedural or other grounds on which the complainant deems that the stage one process has been incorrectly applied. It is not possible to escalate a complaint to stage two of the complaints policy without grounds for this being supplied.

Where the escalated complaint is with regard to the Chief Executive Officer, the case may be referred to the Trust Head of Governance for the appointment of a complaints panel appropriately recruited from amongst the directors and external partners of the Trust. This constitutes stage two of the formal complaints process.

Any request for escalation to stage two of the formal complaints process must be made in writing within 5 working days of the date of the written outcome from stage one, outlining the reasons why the investigation or resolution offered is not regarded as adequate. The Spencer Academies Trust reserves the right to decline escalation of a complaint to stage two of the process where it can be reasonably shown that further investigation is unlikely to result in the offer of an alternative outcome or investigation report.

Where stage two of the formal process is initiated, the panel will consist of not less than three people, none of whom were directly involved in the matters detailed in the complaint. Where the complaint relates to conduct within an academy, at least one member of the panel will be independent of the management and running of the academy.

The complainant will be invited to the hearing. They will be given not less than 10 working days' notice of the date of the hearing and the right to be accompanied as set out above.

Following review of the complaint and stage one formal complaint outcome, the panel may share findings or make recommendations as members see fit. Where appropriate, a copy of recommendations may be provided to the complainant, an academy Principal, the Trust and, where relevant, to any individual named as the subject of a complaint and investigated accordingly. Findings will be shared within five days of the panel meeting.

## Reasonable outcomes from the complaints panel meeting

The complaints panel may:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide appropriate action to be taken to resolve the complaint;
- recommend changes to the Trust or academy systems or procedures to ensure that any lapse in standards does not recur.

A written record will be kept of all formal complaints and whether they are resolved following a formal procedure or proceed to a panel hearing.

The record will:

- record action taken by the Academy as a result of those complaints (regardless of whether they are upheld);
- and provide that correspondence, statements and records relating to individual complaints are to be kept confidential except where a duly mandated external body conducting an inspection requests access to them.

Stage two concludes the complaints policy. There is no further right of appeal under this or any other Trust or academy policy.

## Vexatious complaints

The definitions of vexatious or frivolous complaint are set out below.

A vexatious complaint may be one where:

- there are insufficient or no grounds for the complaint and it is made only to annoy (or for reasons that the complainant does not set out or make obvious);
- there are no specified grounds for the complaint despite offers of assistance;
- the complainant refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- the complaint is about issues not within the power of the Trust to investigate, change or influence (examples could be a complaint about a private car park, or something that is the responsibility of another organisation) and where the complainant refuses to accept this;
- the complainant insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice (insisting, for instance, that there must not be any written record of the complaint or insisting the complaint can only be dealt with at an inappropriate level of seniority);
- there appears to be groundless complaints about the staff dealing with the complaints, and an attempt to have them dismissed or replaced;
- there is an unreasonable number of contacts with staff working to resolve the complaint or otherwise working on behalf of the Trust, by any means, in relation to a specific complaint or complaints;
- there are persistent and unreasonable demands or expectations of staff and/or the complaints process after the unreasonableness has been explained to the complainant (an example of this could be a complainant who insists on immediate responses to numerous, frequent and/or complex letters, telephone calls or emails or requests correspondence in an inappropriate form; for example, requiring

mediation of standard reporting from the school through external agencies, solicitors or a GP surgery except where there are clear grounds for doing so);

- attempts to harass, verbally abuse or otherwise seek to intimidate staff dealing with their complaint by use of foul or inappropriate language or by the use of offensive or discriminatory language;
- subsidiary or new issues are raised whilst a complaint is being addressed that were not part of the complaint at the start of the complaint process;
- trivial or irrelevant new information is introduced whilst the complaint is being investigated and an expectation that this to be taken into account and commented on;
- there is a change to the substance or basis of the complaint without reasonable justification whilst the complaint is being addressed;
- the complainant denies statements he or she made at an earlier stage in the complaint process;
- the complainant electronically records meetings and conversations without the prior knowledge and consent of the other person involved;
- the complaint is the subject of an excessively 'scattergun' approach; for instance the complaint is not only submitted to the Trust, but at the same time to a Member of Parliament, other councils, inappropriate external agencies, the police, solicitors, or other persons;
- the complaint has been inappropriately submitted to an external agency or escalated prior to notifying the Trust of concerns including at formal level. This may include inappropriate early reference to Ofsted and/or the Education and Skills Funding Agency (ESFA);
- the complainant refuses to accept the outcome of the complaint process after its conclusion, complaining about the outcome, and/or denying that an adequate response has been given;
- the same complaint is made repeatedly, perhaps with minor differences, after the complaints procedure has been concluded and where the complainant insists that the minor differences make these 'new' complaints which should be put through the full complaints procedure;
- the complaint is submitted and persistently pursued through different Trust academies, members of staff or offices at the same time;
- the complaint remains 'active' through the complainant persisting in seeking an outcome which has been explained to be unrealistic for legal, policy or other valid reasons;
- documented evidence is not accepted as factual by the complainant;
- the complaint relates to an issue based on a historic and irreversible decision or incident;
- the complaint combines some or all of these features.

A frivolous complaint has no serious purpose or value. It may have little merit and be trivial; investigating would be out of proportion to the seriousness of the issues complained about.

We do not expect staff to tolerate unacceptable behaviour by complainants. Unacceptable behaviour includes behaviour which is abusive, offensive or threatening and may include:

- Using abusive or foul language on the telephone
- Using abusive or foul language face to face
- Any form of intimidating or threatening behaviour
- Sending multiple emails or messages
- Any other behaviour which causes an employee or external partner of the Trust to feel victimised, concern
- for their safety, or physical or professional integrity.

Where the Trust considers a complaint is vexatious or frivolous in nature, appropriate action will be taken to manage such behaviour. This may include (but is not limited to) placing limits on contact with staff or excluding the complaint from further consideration.

Where such action is being considered by the Trust, the complainant will receive a written warning. Should the behaviour persist, the appropriate action will be determined proportionately in light of the nature of the behaviour in question and any other relevant circumstances.

## **Referral to the Education Funding Agency**

Once a complaint has been through all the stages of this complaints policy, if the complainant believes that the management of the complaints policy does not comply with the Regulations, or that an Academy has not followed the correct procedure in an individual case, the complainant may refer the complaint to the ESFA for further consideration.

The ESFA may accept complaints about academies where:

- there is undue delay in the response;
- the academy did not comply with its own complaints procedure when considering a complaint; ○ there is evidence that an academy has failed to comply with other legal obligation

The ESFA will not overturn an academy's decision about a complaint. However, if it finds an academy did not deal with a complaint properly it may request that a complaint is reviewed again.

Evidenced concerns about the resolution of a complaint can be registered through the ESFA website, or through the Spencer Academies Trust office.

## **Steps taken in remediation of a complaint**

At each stage in the complaints procedure responsible staff will consider ways in which a complaint may reasonably be resolved.

It might be sufficient to acknowledge that the complaint is valid in whole or in part. In other circumstances, it may be appropriate to offer one or more of the following:

- an apology;
- an explanation of the circumstances leading to any temporary lapse in standards;
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review Academy policies in light of the complaint.

Complainants will be encouraged to state what actions they feel might resolve the problem at any stage. Please note: an admission that the academy or individual staff members could have handled a situation or concern better does not constitute an admission of liability.