



Complaints Policy

Title: Complaints
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Authorised by: J Morris_____ Date: 30.4.19_____

Approved by: Board of Trustees_____ Date: 22.5.19_____.

Custodian: J Morris_____ Date: 30.4.19_____

COMPLAINTS POLICY

1. BACKGROUND

- 1.1 This policy addresses general complaints against Sussex Learning Trust academies or its staff. Complaints about the curriculum, collective worship, racist incidents or provision for children with special educational needs may be subject to separate procedures.
- 1.2 This policy is based on West Sussex County Council's Model Policy and Procedures for General Complaints.
- 1.3 We will deal with complaints openly, fairly, promptly and without prejudice.
- 1.4 We will respect people's desire for confidentiality where necessary.
- 1.5 In dealing with a complaint against the actions of a member of staff, the staff member's own rights to fair treatment set out in our Employee Relations policies will be safeguarded. If, as a result of the investigation, issues arise relating to staff discipline or capability, details will remain confidential to the Head Teacher. However, the complainant will be informed that the appropriate follow-up action has been taken.
- 1.6 There is a staged approach to dealing with complaints at Sussex Learning Trust academies incorporating informal and formal stages. We wish to make every effort to deal with complaints informally at academy level in partnership with the complainant. The formal stages should only be triggered in exceptional circumstances where matters cannot be resolved informally.
- 1.7 Written records are kept of all complaints and of whether they are resolved at the preliminary stage or proceed to a panel hearing.**
- 1.8 All correspondence, statements and records of complaints are to be kept confidential (except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them).

2. Policy Guidelines

A. MAKING AND RESPONDING TO COMPLAINTS

Stage 1 – the Informal Stage

- 2.1 Most complaints about learning, teaching, rewards or sanctions, progress, aspects of discipline, class composition and other related matters should be resolved through informal telephone, email or written contact with a class teacher or Key Stage Leader (primary academy) or teacher, Curriculum Leader or Head of Year (secondary academy). Complainants who are unsure of contact details for appropriate staff at the secondary academy should email their enquiry to the Headteacher's PA.
- 2.2 Serious or more general complaints about learning, teaching, rewards or sanctions, progress, aspects of discipline, class composition and other related matters should be made to the appropriate Assistant Head Teacher, in a secondary academy, or to the Deputy Head Teacher in a primary academy. Contact details will be sent to parents at the start of the academic year and will be posted on the individual academies website (*Complainants who might have difficulty discussing their complaint with the teacher, Curriculum Leader or their child's Head of Year (secondary academy) or Key Stage*

Leader or Assistant/Deputy Head Teacher (primary academy) should go to Stage 2 of this policy.)

- 2.3 Complainants should expect an acknowledgement of their complaint within one working day. Within three working days they should receive information about who is dealing with the complaint.
- 2.4 The member of staff dealing with the complaint will ensure that the complainant is reassured that the matter will be investigated, that confidentiality will be respected and is clear what action has been agreed.
- 2.5 A brief record of any communications, meetings and agreed actions will be retained for future reference.
- 2.6 If either the complainant feels that the complaint has not been resolved or the staff member feels the matter should be taken further, then the academy's Head Teacher should be contacted.
- 2.7 Any person expressing continued dissatisfaction will be advised of the next stage of the procedure.

Stage 2 – The Formal Stage (Head Teacher to lead unless the complaint is about the Headteacher, in which case the Chair of Governors will take the lead.)

- 2.8 Complaints that remain unresolved through the informal stage above **or** which are of a serious and urgent nature or where the complainant is otherwise unwilling to contact teacher, Curriculum Leader, or Head of Year or Assistant Head Teacher (secondary academy) or Key Stage Leader or Assistant/Deputy Head Teacher (primary academy), should be referred to the Head Teacher/Chair who will investigate the matter.
- 2.9 The Head Teacher/Chair will always check that relevant staff are aware of and/or have had the opportunity to resolve the complaint. Where this is not the case the Head Teacher/Chair will approach the relevant member of staff in order to seek a resolution of the matter.
- 2.10 Any meetings that are held with the complainant in relation to the complaint will be held within ten working days unless, in the case of more complex matters, an extension to this time limit is agreed.
- 2.11 The Head Teacher/Chair will keep notes of the complaint, the investigation and consequent actions.
- 2.12 At the conclusion of the investigation the Head/Chair will decide if
 - the complaint warrants further investigation or consideration at Stage 3 (below) or
 - the Head/Chair believes that the matter has been resolved (see 1.5 above) or
 - there is no case to answer.
- 2.13 If the complainant is dissatisfied with the outcome communicated by the Head/Chair they have the right to escalate the issue to Stage 3 as detailed below.

Stage 3 – The Formal Stage (Governors will take the lead)

- 2.12 Governors will only proceed with this stage if a complaint has been received in writing and appropriate previous stages set out in this policy have been exhausted**
- 2.13 Complainants should write to the Chair of Governors c/o the academy office marking the envelope “private and confidential”. Acknowledgement of the written complaint will normally be sent to the complainant within five working days. *(If the complainant is against the Chair of Governors, then the complainant should address their letter to the Vice Chair of Governors who will deal with the matter according to the procedures outlined in this policy.)*
- 2.14 The Chair of Governors will make the Head Teacher aware of the complaint and determine its seriousness. In appropriate cases, where the Head Teacher is unaware of the complaint, the Chair of Governors will ask the head Teacher to deal with it according to Stage 2 above. If, after preliminary enquiries, the Chair of Governors feels the complaint to be vexatious, it will be dismissed. If, after preliminary enquiries, the Chair of Governors feels that there is merit in the complaint, then they will arrange for a Governor to conduct another formal investigation.
- 2.15 Investigations will be conducted as soon as possible after the complaint has been received.
- 2.16 If, as a result of the investigation, issues arise relating to staff discipline or capability, about which the Head Teacher has already taken action, the Governors will focus on how the original complaint was managed to avoid prejudicing any on-going disciplinary or capability procedures.
- 2.17 The investigating Governor will ask the Clerk to the Governors to convene a panel of three members to hear the complaint. They will meet within fifteen working days of the investigation having been completed. To avoid a conflict of interest and to ensure that the process is fair and objective, any Governor who has been significantly involved in the original complaint (i.e. has had a detailed conversation with the complainant about the matter or has received a detailed briefing from the senior member of staff dealing with the complaint) will not be on the panel. The panel will include at least one member who is independent of the management and running of the particular academy¹ the complaint is in connection with. Parents will be invited to attend the panel hearing and may be accompanied if they so wish.
- 2.18 The Chair of the panel will decide whether just to consider written material or to hear submissions. The Chair of the panel will invite the Head Teacher and complainant to attend the panel meeting. Both parties must be treated equally.
- 2.19 The panel will make findings and recommendations and these will be sent by electronic mail or otherwise to the complainant and where relevant, the person complained about. A copy of the findings and recommendations will be made available for inspection on the academy premises by the Trustees, Head Teacher and Chair of Governors.

¹ i.e. potentially a Governor from another academy within the Trust or a Governor from another school. Given the time parameters to be adhered to, Governors may require Trustees to make up the panel if sufficient Governors are not available.

- 2.20 The Head Teacher and complainant will be informed of the panel's decision in writing within ten working days.
- 2.21 This is the final stage of the Trust's complaints procedure. If the complainant is unsatisfied with the Trust's complaints procedure or how the Trust or its academies has handled a complaint, the complainant can refer their complaint to the Education & Skills Funding Agency (ESFA). The ESFA will not re-investigate the matter of the complaint. It will look at whether the Trust's complaints policy and any other relevant statutory policies applicable to its academies were adhered to. The ESFA also looks at whether the Trust's policy complies with statutory regulations. For more information or to refer a complaint, see the following webpage:

<https://www.gov.uk/government/publications/complain-about-an-academy/complain-about-an-academy>.

3. MONITORING AND EVALUATION

- 3.1. Each academy will maintain a written record of any complaints addressed under the formal procedures (i.e. Stage 2 and/or Stage 3), including recording:
- whether a complaint was resolved at Stage 2 or proceeded to Stage 3; and
 - any action taken by an academy or the Trust as a result of a complaint (regardless of whether the complaint was upheld).
- 3.2.1 The Head Teacher will monitor the number and nature of complaints so that the academy's practices and procedures can be improved. The CEO, as Line Manager of the Head Teacher on behalf of the Governing Body, will discuss with the Head Teacher any complaints that reach Stage 2 or Stage 3 of this policy. The Head Teacher will report on any trends in complaints to the Governing Body annually. The Governing Body will conduct a triennial review of policy and provision.

4. Complaints against the Governors

- 4.1 Using the staged approach above, the Trustees will ask the CEO to act in the role of Head/Chair for Stage 2 qualifying complaints. If required, Stage 3 will be heard by a panel of three Trustees. Beyond 2.21 above the Trustees decision is final.

5. Complaints against the CEO

- 5.1 Using the staged approach above, the Chair of Trustees will act in the role of Head/Chair for stage 2 qualifying complaints. If required, stage 3 will be heard by a panel of three Trustees not involved in Stage 2. Beyond 2.21 above the Trustees decision is final.

6. Complaints against the Trust

- 6.1 See 2.21

Document Version Control

Date	Ver	Comment	Ratified by	Reviewer
25.4.19	3	<p>Regular review: update including to:</p> <ul style="list-style-type: none"> -amend references to legislation, -clarification complainant may attend stage 3 hearing -confirmation that findings and recommendations available for inspection -refer to right to raise concerns with EFSA -clarify the Chair of Governors will act in the role of the Headteacher were the complaint made against the Headteacher. -Clarify the 3 potential outcomes of Stage 2 -Inform that the 3rd member of the Stage 3 panel will not be a Governor of the academy in question, and who they may be drawn from so that their independence but expertise in educational matters. -Addition of information how the staged approach will be adopted for complaints against the Governors, CEO or the Trust itself. 	<p>CEO 25.4.19</p>	<p>J Morris</p>
30.4.19	3.1	<p>Amendment to clause 3.1 to clarify record of complaints/actions is retained</p>	<p>CEO 30.4.19 (ratified Board of Directors 22.5.19)</p>	