

Holy Trinity CE Primary Academy & Nursery



Complaints Policy

Complaints

Document information

Document title	Complaints		
Owner	HR Operations Team HROT		
Version	2.0	Status	Approved
Last updated	September, 2022	Last updated by	HROT, in line with Terms of Reference of Policy Working Group
Approved on	01 September 2022	Effective from	01 September 2022
Purpose	The purpose of this policy is to ensure that people who are dissatisfied with the service provided by the academy can raise their concerns and have them thoroughly and effectively investigated.		
This policy links to:	Admissions Policy, Behaviour Policy, Pupil Exclusions Policy, Grievance, GDPR and Freedom of Information Policy, Child Protection Policy and Safeguarding Policy.		

If you would like this information in another language or format, please contact the Trust.

Phone: 01543 622433

Trust website: <https://www.stchadsacademiustrust.co.uk>

Contents

1	Introduction	4
2	Seeking a resolution.....	4
3	Which procedure do I need?.....	5
4	Legal framework [Updated]	7
5	Definitions.....	8
6	Stage 1 Informal investigation	8
7	Stage 2 Formal Investigation.....	9
8	Stage 3 – Formal panel hearing	11
9	Stage 4 - Trust Board Level review of process	12
10	Stage 5 – The role of the Education and Skills Funding Agency ESFA.....	13
11	Record-keeping and Data Protection.....	13
12	Transferring data [Updated]	14
13	Unreasonably Persistent Complaints.....	15
14	Complaints campaigns [Updated].....	15
15	Monitoring and review	16
16	Useful Contacts:	16

1 Introduction

1.1 St Chad's Academies Trust endeavours to provide the best education possible for all its pupils in an open and transparent environment. The Trust will enable and support our academies to flourish and improve, preserving the characteristics of a church academy. Our uniqueness will ensure that whilst providing the best possible education for the children and young people we serve, the Trust will also provide the spiritual care and guidance for our children of God.

1.2 A reference to Principal includes a reference to Head of School, Executive Principal and Vice Principal dependent on the academy model. The senior leader within the academy setting may delegate the management of the complaint to another competent member of the senior leadership team to ensure the timely and professional management of the matter.

This will be managed and included within the draft Terms of Reference, as required.

1.3 The Trust welcomes any feedback that we receive from parents, pupils and third parties, and accept that not all of this will be positive, but the Trust acknowledges a need to grow and support our communities. Where concerns are raised the academy intends for these to be dealt with:

- Fairly.
- Openly.
- Promptly.
- Without Prejudice and in confidence

1.4 The Trust aims to resolve any complaint informally wherever possible, if you are dissatisfied, please let us know as soon as possible. The Academy will provide you with a response swiftly and constructively. This policy is intended for the use of parents/carers and community members.

2 Seeking a resolution

2.1 The majority of complaints should be dealt with informally by academy staff wherever possible. It is noted for this policy that there is a difference between a concern and a complaint:

- a concern is the raising of a potential issue that is an expression of some worry or apprehension.
- a complaint is an actual statement of dissatisfaction that requires resolution. Staff should be clear on how to deal with complaints appropriately, depending on their seriousness.

2.2 Staff should be open and welcoming to parents and willing to discuss issues with them when they are raised. The aim is to work together to resolve issues and concerns swiftly.

3 Which procedure do I need?

3.1 Sometimes, when concerns are more specific, there are alternative and more appropriate policies for dealing with them. The following list details, but is not limited to, specific topics of complaints, and the correct policy to refer to for resolution. You can access these policies on the academies website or ask for a copy from the main reception.

- **Pupil admissions:** please see the academy's Admissions policy or contact *<insert details of the relevant admissions authority>*
- **Pupil exclusions;** please see the academy's *<behaviour policy or Exclusion policy>*.
- **Staff grievance,** where Staff members wish to make a complaint, they should refer to the Trust's Grievance Policy.
- **Subject Access Requests and Freedom of Information Requests** – please see the academy's General Data Protection Regulations GDPR and Freedom of Information policy

3.2 Please note that due to the nature of the complaint, some complaints received may be addressed under an alternative policy or procedure, for example, a complaint relating to the alleged mistreatment of a child would be addressed through the Child Protection Policy or Safeguarding Policy.

3.3 Complaints will be dealt with confidentially where possible to protect the complainant and the associated children. This policy outlines the procedure that the complainant and academies within the trust will follow. Once a complaint has been made, it can be resolved or withdrawn at any stage.

3.4 Complaints not considered:

3.5 The Trust will not consider complaints received under the following circumstances:

- Anonymous complaints: the Trust will carry out an investigation and log the outcome; consideration will be given to vexatious or malicious anonymous complaints received.
- Where the complaint concerns a third party used by the academy; the complaint will be forwarded on, and an internal investigation carried out to ensure the quality of service provided to the academy and Trust is consistent with the expected standards. The Trust and/ or academy will require a resolution from the supplier to satisfy that the provision is fit for purpose.
- Complaints that originated/ occurred more than 3 months before the complaint is submitted (unless otherwise agreed by the Academy / Trust).

- Complaints made on the behalf of a third party.
- Excessive complaints about an employee which constitute malicious or vexatious behaviours; or
- Where the complainant has used social media to air their alleged grievance.

3.6 The complaints procedure (in line with the Education Act 2010) is split into the following stages. A complainant would be expected to engage with the following stages if they wished to make a complaint to the academy. These stages demonstrate the natural process of escalation and are explained in more detail at point 3.12:

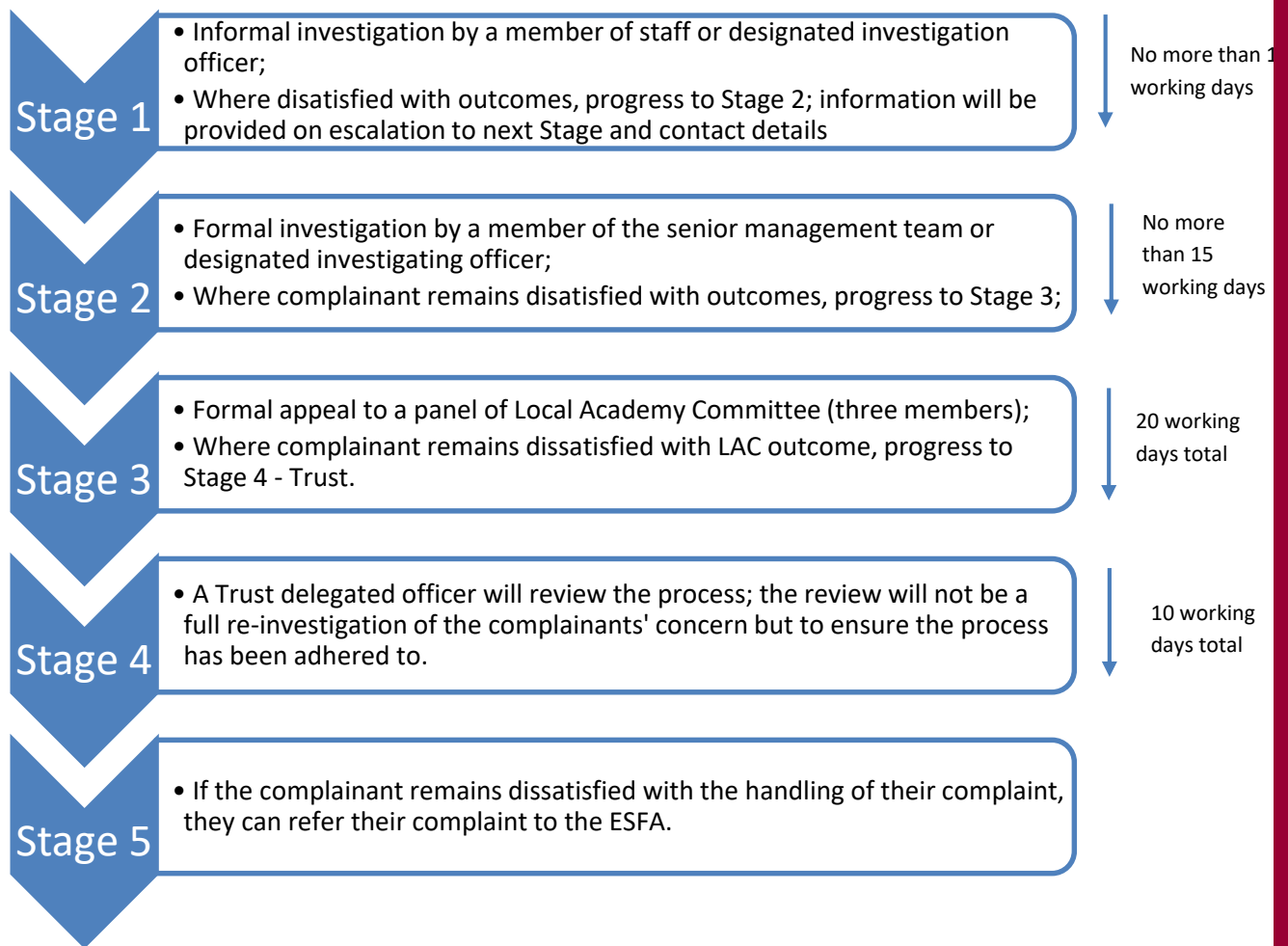
- **Stage 1** Informal complaint received, the academy representative will arrange to meet with the complainant to discuss their concerns; the academy will investigate this matter and formulate a response to the complainant, where the complainant is dissatisfied with the outcome, the complainant will be given the details to escalate to Stage 2;
- **Stage 2** The academy representative will advise the complainant to put their complaint in writing, where the complainant is dissatisfied with the outcome the complaint will progress to Stage 3;
- **Stage 3** Formal panel hearing, final stage of the academy's complaint procedure;
- **Stage 4** Trust Board Level review process;
- **Stage 5** - If the complainant is not satisfied with the outcome, they can then contact the Education and Skills Funding Agency (ESFA).

3.7 Complaints should progress through the Stages in order; therefore, we would encourage that a complainant approach the member of staff informally in the first instance. If the complainant does not feel that they can comfortably approach the member of staff in question, then they should discuss the matter in confidence and without prejudice with another senior member of staff.

3.8 It is in the interest of all parties concerned that a swift, well-handled approach to a complaint in the first instance can often prevent a complaint escalating to a higher stage, therefore it is prudent that all staff members have familiarised themselves with the procedure.

3.9 We recognise that there are occasions where it may be appropriate to skip Stage 1 of this procedure, which is at the discretion of the Principal or Chair of LAC. During such occurrences, the person in receipt of the complaint is responsible for ensuring that the resolution is sought at the earlier stage where possible, in the first instance.

- 3.10 In exceptional circumstances, a complaint may enter the process at Stage 2 or 3, but it is at the discretion of the Chair of Local Academy Committee (LAC) or Principal in consultation with the Trust.
- 3.11 Academies must ensure that the staff member involved in the handling of a complaint is suitably qualified and allowed reasonable time to manage the process.
- 3.12 Complaint Stage procedure and general requirements;



* Timelines may vary during periods of closure. These will be agreed and communicated.

** Exceptional circumstances will be considered when deciding whether to accept or progress a complaint.

4 Legal framework [Updated]

This policy has due regard to all relevant legislation and statutory guidance including, but not limited to, the following:

- Education Act 2002
- Freedom of Information Act 2000
- Immigration Act 2016
- Equality Act 2010
- UK General Data Protection Regulation (UK GDPR)
- Data Protection Act 2018
- Part 7 of the Education (Independent School Standards) Regulations 2014

This policy also has due regard to good practice guidance including, but not limited to, the following:

- ESFA (2021) 'Best practice guidance for academies complaints procedures'

5 Definitions

5.1 Receipt of a complaint is defined as:

- for a verbal complaint, the date on which the conversation took place.
- for an emailed complaint, the date on which an e-mail is opened by the recipient.
- for a postal complaint, the date a letter is opened.

5.2 Holding communication will be sent to the complainant with a copy of this policy, for convenience, which provides the complainant with the timeline for a response. If the complainant does not receive the holding communication, they should contact the academy to ensure it has been duly received, and if not forward a further copy.

5.3 Working Days are defined as Monday to Thursday 8:30am – 4:30pm and Friday 8:30am – 3pm on days when the academy is open for pupils.

6 Stage 1 Informal investigation

6.1 The Trust hopes that most concerns can be dealt with informally. Complaints should be addressed to the person closest to the situation, usually the class teacher or the Principal. If the complaint is about the Principal, the complainant should be addressed to the Chair of Local Academy Committee

6.2 If complainant does not feel that they can complain directly to the member of staff in question, the complainant should contact the Principal. It is not advised that the Principal or Chair of LAC become involved at this early stage.

6.3 The person who receives notification of a complaint is responsible for ensuring that all details are recorded. This should include:

- the date received.
- the complainant's name.

- the complainant's contact details.
 - details of the complaint itself.
 - what action the complainant would like to be taken to resolve the problem.
- 6.4 The person receiving the complaint is also responsible for ensuring that the complaint is passed to the appropriate person to address if it is not for them.
- 6.5 The academy will acknowledge informal complaints within 48 hours and investigate and provide a response within 10 working days (excluding those which fall in the school holidays /periods of closure).
- 6.6 When a complaint is received the complainant should be advised what the next step is. Often complaints being dealt with at the informal stage will be addressed at an informal meeting; however, it may be appropriate to respond in writing, without the need for a meeting.
- 6.7 Where the complaint is about a member of staff or a Local Academy Committee (LAC) Member, the staff member or LAC Member will arrange a mutually convenient informal meeting between the two parties to see if a resolution can be reached.
- 6.8 Where the complainant is not satisfied with the outcome, they are able to progress to stage 2 of the complaints process and launch a formal written complaint within 5 working dates of the outcome.
- 6.9 The staff member or designated investigation officer will make a record of the concern and the outcomes of the discussion which will be held centrally for twelve months, in line with the principles of the Data Protection Act 1998 and General Data Protection Regulations (GDPR).

7 Stage 2 Formal Investigation

- 7.1 If the complainant remains unsatisfied with the response given at Stage 1 informal or believes the issue has not been addressed or they've got new evidence or information which the academy needs to consider they can ask the academy to review their original decision. If the complainant is not satisfied, they must inform the academy in writing (email or post) as soon as possible within 5 working days of receipt of the outcome at Stage 1.
- 7.2 The complainant should complete Appendix 1 Formal Complaints form, outlining whether they have sought to resolve the matter at the informal stage.
- 7.3 Formal complaints should be submitted in writing unless reasonable adjustments are required; if the complaint is about the Principal the complaint should be addressed to the Chair of Local Academy Committee LAC, unless the complaint is about the Chair of the LAC, whereby the complaint should be sent to the Trust's Chief Executive Officer. Written complaints will be accepted in either letter or email form.

- 7.4 The complainant will need to detail why they remain not satisfied; detailing exactly what issues they think the academy have not fully addressed, or if they think there's something inaccurate in the academy response or have new evidence/information which they believe needs to be considered.
- 7.5 The complaint 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 their desired outcome would be.
- 7.6 The Principal (or designated member of the senior leadership team) will call a meeting to clarify concerns and seek a resolution. The complainant may be accompanied to this meeting by a friend and/ or relative. It would not be appropriate for a legal representative to attend. The complainant should notify the academy 3 days in advance of the meeting if they intend to bring a companion.
- 7.7 On receipt of a formal complaint, the Principal or Chair of LAC should write to the complainant within 48 hours acknowledging receipt and advising them when they will receive a full response within the governed timeline. A copy of the Complaints Procedure should be included with the acknowledgement.
- 7.8 Formal complaints should be responded to within 15 working days, however more complex complaints may take longer to investigate.
- 7.9 All formal complaints must be investigated thoroughly, making reference to all information collated at Stage 1 Informal. The Principal or Chair of LAC may delegate the investigation to another member of staff or another LAC Member. This individual must not have been involved at the informal stage of the complaint (if applicable). Once the formal investigation has been conducted the Principal or Chair of LAC will write to the complainant advising them of the conclusion and recommendations.

7.10 Interviewing witnesses **[Updated]**

When interviewing pupils to gather information regarding a complaint, the interview should be conducted in the presence of another member of staff or, in the case of serious complaints, e.g. where the possibility of criminal investigation exists, in the presence of their parents. All pupils interviewed will be made fully aware of what the interview concerns and their right to have someone with them.

The trust will ensure that the conduction of interviews does not prejudice an LA designated officer's (LADO) or police investigation.

The trust understands the importance of ensuring a friendly and relaxed area which is free from intimidation. Staff are allowed a colleague to support them at their interview. The colleague must not be anyone likely to be interviewed themselves, including their line manager. The interviewer will not express opinions in words or attitude, so as to not

influence the interviewee. The interviewee will sign a copy of the transcription of the interview.

- 7.11 Where the complainant is not satisfied with the outcome of the investigation, they are able to progress to Stage 3 of the Complaints process notifying the Principal / Chair of LAC in writing within 5 working days of the outcome.

8 Stage 3 – Formal panel hearing

- 8.1 If the complainant is not satisfied with the response to their formal complaint, then they should contact the Chair of LAC (when the Chair has not been involved in the processes to this stage) or nominated member of the LAC. The complaint should be sent in writing by e-mail or post (please see page 12 for the Trust contact details).
- 8.2 Upon receipt of the Stage 3 complaint the Chair of LAC (or the Trust if the complaint is against the Chair of LAC) will respond within 48 hours of receipt, to acknowledge the complaint. Notes of phone conversations will be recorded, including the following:
- the time.
 - the date.
 - complainant's details.
 - what the complaint is about.
 - why the complainant remains dissatisfied with the outcomes from previous stages.
- 8.3 The Chair of LAC/the Trust will ensure that the procedure has been followed correctly at the informal and formal stage. Where this is not the case, they will seek a resolution at an earlier stage in the first instance.
- 8.4 If the procedure at the informal and formal Stage has been followed correctly, the Chair of LAC/the Trust will establish a complaints panel to consider the complaint. All information from the previous two Stages will be required plus any new additional information for further investigation by the panel.
- 8.5 The Chair of LAC/the Trust will advise the complainant of the date, time, location, and membership of the complaints panel at least 5 working days in advance of the panel meeting.
- 8.6 The panel will consist of members who have had no prior involvement with the matters detailed in the complaint, but where this is not possible, the panel will consist of at least three LAC Members who have had no prior involvement with the matters detailed in the complaint. The complaints panel will include at least one person who is independent of the management and running of the academy; support from other Trust Local Academy Committees will be available if required to form the panel. Please contact the Trust for further advice where there are insufficient LAC Members eligible to serve on a panel.

- 8.7 The Complainant will be invited to attend the panel hearing. They may also make representations in writing directly to the complaints panel via the Clerk. The Complainant will have the right to be accompanied as per Stage 2. One change to the meeting date can be requested within 5 working days of the original meeting date if the complainant cannot attend; the panel will give this reasonable consideration.
- 8.8 The complainant must make all reasonable efforts to attend the panel hearing. Where the complainant fails to attend without proper notification, is unable or unwilling to attend the hearing without good cause and is unable to substitute a proposed alternative date, within 5 working days, then the hearing may proceed in the complainant's absence and a decision may be made based on the available evidence. In such circumstances the complainants would be given opportunity to submit written representations and informed in writing that the hearing may proceed in their absence.
- 8.9 The complaints panel should be convened as soon as possible and will usually take place within 15 days following receipt of a Stage 3 complaint.
- 8.10 The complaints panel meeting will be minuted. A letter advising the complainant of the outcome and recommendations of the meeting will be sent to the complainant and, where relevant, the person complained about, within 10 working days of the meeting.
- 8.11 The decision of the complaints panel is final. The letter will include details of the Trust's reviews process and where to find the Education and Skills Funding Agency's ESFA Complaints Form for use by the complainant if they consider that this Trust Complaints Procedure has not been followed correctly.
- 8.12 The outcome of this should be reported to the complainant/ academy within 15 working days.
- 8.13 The academy will inform those involved of the decision in writing within 10 days.

9 Stage 4 - Trust Board Level review of process

- 9.1 If the complainant remains dissatisfied with the way the complaints panel has carried out their investigation at Stage 3 of this procedure, the Trust can be asked to review the process. When a complainant refers a complaint to the Trust an acknowledgement should be sent within 48 hours from receipt (unless received during periods of closure).
- 9.2 A Senior Trust Officer will investigate how the Academy /LAC have dealt with the complaint and prepare a report which will be shared with the complainant and LAC. The Trust will not re-investigate the original complaint; they will review the process that has been followed to ensure that it has been thorough and fair.
- 9.3 The outcome should be reported to the complainant/LAC Board within 20 working days.

10 Stage 5 – The role of the Education and Skills Funding Agency ESFA

- 10.1 If a complainant is not satisfied with the handling of their complaint, they can refer their complaint to the ESFA via the DfE form: <https://www.education.gov.uk/help/contactus/df>
- 10.2 If a complaint is referred by a complainant to the Education Skills Funding Agency (ESFA), the ESFA will check whether the complaint was dealt with properly by the academy.
- 10.3 The ESFA will only consider complaints about academies if they fall into any of the following three areas:
- where there is undue delay, or the academy did not comply with its own complaints procedure when considering a complaint.
 - where the academy is in breach of its funding agreement with the Secretary of State; or
 - where an academy has failed to comply with any other legal obligation.
- 10.4 The ESFA will not overturn an academy's decision about a complaint. However, if it is found that the academy/ Trust did not deal with a complaint properly the academy/ Trust will be required to look at the complaint again and ensure procedures meet requirements as set out in current regulations.

11 Record-keeping and Data Protection

- 11.1 A Complaints Register is held by the academy and the Trust. The register contains details of the complaint, and the stage at which it was resolved, whether the complaint was resolved following a formal procedure, or whether the complaint proceeded to a panel hearing. The academy will record the actions taken because of the complaint (regardless of whether the complaint is upheld). See Appendix 2 complaints register.
- 11.2 Correspondence, statements and records relating to individual complaints must be stored confidentially by the academy, except where the Secretary of State or a body conducting an inspection under Section 109 of the Education and Skills Act 2008 request access to them.
- 11.3 Minutes of the Complaints Panel hearing detailing the findings and recommendations of the panel are stored by the academy and are available for inspection by the Trust or the Principal.
- 11.4 Information about complaints will be kept in our electronic data systems but will be restricted to members of staff dealing with the complaint and our professional advisors. The complaint and supporting information will be held for minimum of 6 years, in the case of possible contentious disputes.
- 11.5 By maintaining a live record of complaints the LAC and Trust can regularly review the stages at which a complaint has been satisfactorily concluded and can also use the record to

implement academy improvement and see whether procedures are robust enough.
No individual details would be provided when reviewing case records.

12 Transferring data [Updated]

- 12.1 When a pupil changes school, the pupil's educational record will be transferred to the new school and no copies will be kept.
- 12.2 The trust will hold records of complaints separate to pupil records while a complaint is ongoing, so that access to these records can be maintained.

Information that the trust retains relating to a complaint will be stored securely and inline with its Records Management Policy.

*** Unless the complaint relates to other areas that have different retention requirements e.g. Safeguarding and Health & Safety.

13 Unreasonably Persistent Complaints

13.1 Complaints will be treated as unreasonably persistent if the above procedure has been exhausted and the complainant meets one or more of the below criteria:

- submits multiple complaints which focus on matters which are deemed to be trivial.
- continually changes the substance of a complaint or raises new concerns whilst the original complaint is being addressed.
- is unwilling to accept documented evidence in response to a complaint.
- does not clearly identify the issue/s which they wish to be investigated.
- threatens or uses physical / verbal violence towards staff; or
- subjects' staff to verbal abuse or harassment.

13.2 Where a complainant meets the above criteria the Chair of LAC should write to the complainant advising them that they have met the criteria for unreasonably persistent complaints, and therefore any further complaints will be acknowledged but not answered.

13.3 In the case of violent actions or harassment towards staff, the complainant should be advised that such behaviour will not be tolerated by St Chad's Academies Trust and the academy. The complainant will be informed of the consequences should such behaviour persist. A copy of the Complaints Procedure should be included with the letter; the letter and details of the complainant's actions should be sent to the Trust.

13.4 Once complainants have been deemed unreasonably persistent, this status will remain under review, with the possibility of its withdrawal at a later date if, for example, complainants subsequently demonstrate a more reasonable approach or if they submit a further new complaint for which the normal complaints procedure would appear appropriate.

13.5 Academies are private places. The public has no automatic right of entry. The academy will therefore act to ensure it remains a safe place for pupils, staff, and other members of their community. If an individual's behaviour is a cause for concern, a Principal can ask them to leave the premises. In some cases, individuals can be barred from entering the academy's premises. In all cases where barring may need to be considered please contact the Trust for further advice.

14 Complaints campaigns [Updated]

14.1 Where the trust becomes the subject of a complaints campaign from complainants who are not connected with the trust, a standard, single response will be published on the trust's website.

- 14.2 If the trust receives a large number of complaints about the same subject from complainants who are connected to the trust, e.g. parents, each complainant will receive an individual response.
- 14.3 If complainants remain dissatisfied with the trust's response, they will be directed to the ESFA.

15 Monitoring and review

- 15.1 The complaints procedure will be reviewed annually, taking into account any legislative changes and the latest guidance issued by the DfE or ESFA. The next scheduled review date for this policy is April 2022.
- 15.2 Responsibility for reviewing the procedure belongs to a committee of the board of trustees. All projected review dates will be adhered to.
- 15.3 Information gathered through reviewing the complaints procedure will be used to continuously improve and develop the process.
- 15.4 The monitoring and reviewing of complaints will be used to help evaluate each academy's performance, and the performance of the trust as a whole.

16 Useful Contacts: [Updated]

St Chad's Academies Trust Contact Details:

c/o Birchills CE Community Academy
Farringdon Street
Walsall
West Midlands
WS2 8NF
Telephone: 01543 622433
Website: <http://www.stchadsacademiestrust.co.uk/>

Department for Education

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by academy. They will consider whether the academy has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education online at: www.education.gov.uk/contactus or by writing to:

Piccadilly Gate
Store Street
Manchester

M1 2WD

Telephone: 0370 000 2288

The Education (Independent School Standards) Regulations 2014

Further details in relation to the handling of complaints can be found on:

<https://www.legislation.gov.uk/uksi/2014/3283/schedule/made>. Part 7 the manner in which complaints are handled, the Education (Independent School Standards) Regulations 2014.

<Insert Academy name here> Formal Complaints Form - Appendix 1

Name	
Name of pupil, year group and your relationship to them (where applicable)	
Contact address	
Contact telephone day	
Contact telephone mobile	
Contact email address	
Details of the complaint	
Action taken so far (including staff member who has dealt with it so far) or solutions offered	
The reason that this was not a satisfactory resolution for you	
What action would you like to be taken to resolve the problem?	

Signed:

Dated:

<Insert Academy name here> Complaints Register Template - Appendix 2

A Complaints Register is held by the academy and the Trust. The register contains details of the complaint, and the stages at which it was resolved, whether the complaint was resolved following a formal procedure, or whether the complaint proceeded to a panel hearing. The academy will record the actions taken as a result of the complaint (regardless of whether the complaint is upheld).

No.	Date Received	How was complaint made	Reported to who & when	Complaint Details	Stage Complaint resolved	Outcome/Actions taken	No. of Days to Resolve