



## COMPLAINTS POLICY AND PROCEDURE

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The guidance in this document does not cover concerns about the following, for which there are special arrangements laid down by law:

- The school curriculum, collective worship and religious education
- Appeals about admissions
- Appeals about exclusions
- Appeals about assessments and statements of special education needs

Complaints not in scope:

- Whistleblowing
- Staff grievances
- Disciplinary procedures

## **PART A**

### **1. Revision**

This document will be reviewed by the Executive Leadership Team annually and any amendments presented to the Trust Board for approval.

### **2. Distribution**

The Academy Support Manager shall retain a hard copy of this policy and distribute copies as required. Electronic copies of this code shall be available on the Academy's Website.

### **3. Duties and responsibilities**

It is the responsibility of the Trust Board to establish, maintain and monitor relevant policies, codes and procedures. Staff of the Academy should familiarise themselves with the contents of this code and should act in accordance with the principles set out in it. Specific reference will be made to this policy in the induction process for all staff of the Academies.

### **4. Interpretation**

Any question as to the interpretation or application of this procedure shall be determined by the Trust Board.

## **PART B**

### **1. Introduction**

The Basildon Academies places great value on the role which parents and carers can play in supporting student's learning. Staff and Governors actively encourage a positive relationship between the Academies and the families of students who attend.

We acknowledge that there may be times when external parties (parents, members of the public etc) may feel they need to make a complaint. This policy sets out the framework and procedures for doing so and how such complaints will be dealt with.

### **2. Principles**

Our Complaints Procedure aims to:

- 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;
- ensure a full and fair investigation 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 Academy's Leadership Teams so that services can be improved.

### 3. Complaints Process

Our complaints procedure has three stages, each of which is dealt with in more detail later in this document. They are:

- **Stage one:** Initial Concerns;
- **Stage two:** Formal Complaint;
- **Stage three:** Complaint heard by Trust Board's complaints appeal panel.

Where possible, the Academies will seek to resolve complaints informally in the first instance, however formal procedures will be invoked when attempts to resolve the issue informally are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

### 4. Resolving complaints

At each stage in the procedure the academy will keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- 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. *An admission that the academy could have handled the situation better is not the same as an admission of negligence.* We want to identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

### 5. Vexatious complaints

If the Trust Body feels that a complaint made is vexatious in nature, they may decide, after an initial investigation to wave all or parts of this procedure if they feel this is appropriate.

### 6. Complaints about a member of the Governing Body / Trust Board

If the complaint is about a member of the Governing Body or Trust Board, the complainant should address it to the Governance Professional (Clerk). The complaint will then be arranged to be heard by the Chair of Trustees.

Complaints against the Chair, executive Governing Body or Trust Body should be addressed to the Clerk who will determine the best course of action.

## 7. Complaints about CEO or Headteacher

If the complaint is about the Chief Executive Officer or Headteacher, the complainant should address it to the Chair of Trustees

### PART C - COMPLAINTS PROCEDURES

#### 1. Complaint stages outlined

This complaints procedure has three well-defined stages:

- **Stage one:** Initial Concerns;
- **Stage two:** Formal Complaint;
- **Stage three:** Appeal - heard by Trust Board's complaints appeal panel.

#### 2. Stage 1 - Initial Concerns

If, at any time, a member of the community has a concern about an aspect of life at the Academy, the concern will be dealt with by the Academy as quickly, sympathetically and effectively as possible. It is hoped that most concerns will be settled amicably at this stage.

At the time of making a complaint (whether in writing or verbally) the claimant should provide as much information as possible. This helps us investigate the matter and take the appropriate action.

It is important that the initial contact is with the person best placed to resolve it and the table below has been designed to assist in this matter:

If the Issue relates to	Please Contact
Teaching, homework, setting	Headteacher TLA (The Lower Academy) Headteacher TUA (The Upper Academy)
Exams	Headteacher – Upper Academy
Care & Guidance issues	Headteacher – TLA / TUA
Academy Curriculum	Headteacher
Sixth Form Issues	Assistant Head Key Stage 5
Support Staff	Chief Finance & Operations Officer
Teaching Staff Headteacher Chief Executive Officer	Headteacher Chair of Trustees Chair of Trustees

If a complaint is about something not on the list above, the claimant should address their concern to the Chief Finance & Operations Officer, who will ensure that this is passed to the appropriate person.

On receipt of the complaint, the person receiving the complaint information will ensure that:

- an outcome is communicated within seven school days

- the issue is investigated thoroughly – what has happened, who has been involved and what remains unresolved;
- appropriate members of staff are consulted and kept informed;
- information is passed to the relevant Leadership Team so that the Academy's systems and practices can be improved if necessary;
- confidentiality is respected;
- a response is provided as quickly as possible (this might include an explanation or apology together with action to put the situation right).

## **Stage 2 - Formal Complaints**

If a complainant is dissatisfied with the way the initial concern was handled at Stage 1 or is unhappy with the outcome, they may wish to progress to the second stage and submit a formal complaint in writing to the Headteacher. This must be submitted within 7 school days of receipt of stage 1 outcome.

The Headteacher may delegate the task of collating the information to another member of the Leadership Team but will make the decision on the action to be taken. Where the Headteacher is the subject of the complaint it will be heard by the Chair of Trustees.

A Complaints Form is included below (Appendix 1) and may be used to submit a formal complaint. Complaints may also be raised using the 'contact us' page found on the academy website.

An initial response to a formal complaint will be issued within seven working days of receipt.

The Headteacher may:

- uphold the complaint in whole or in part;
- dismiss the complaint in whole or in part;
- decide on the appropriate action to resolve the complaint.

We aim to provide a decision in response to a complaint within 15 working days of receiving all relevant information.

## **3. Stage 3 - Appeal - heard by the Trust Boards Complaints Appeal Panel**

If a complainant is dissatisfied with the way a formal complaint was handled, or is unhappy with the outcome, s/he may wish to progress to the third stage and submit an appeal. This must be submitted within 10 school days of receipt of stage 2 outcome.

The complainant should write to the Chair of Trustees giving details of the continuing complaint. The Chair, or a nominated Trustee, will then convene a Trust Board Complaints Appeal Panel.

The Complaints Appeal Panel is made up of two members of the Trust Board and one other person who is independent of the management and running of the Academy. The members will be nominated by the Trust Board and the panel will choose their own chair. In addition to this, the Governance Professional (Clerk) will also be present. The Clerk will not be involved in the decision making process but will support in an administrative capacity. Full details of the roles and responsibilities of each person are detailed below.

When a panel hearing is set up, it will allow for the complainant to attend and be accompanied by those they wish.

Individual complaints will not be heard by the whole Trust Board at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

### **Roles and Responsibilities**

The Complaints Appeal 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 academy's systems/procedures to ensure that problems of a similar nature do not recur.

There are many points which any governor sitting on a complaints panel will take into consideration. These include the following with regards to process and procedures:

- It is important that the appeal hearing is independent and impartial and that it is seen to be so;  
No trustee may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it, or any other factors that might compromise them;  
The aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it is recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favour;
- An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting.
- The panel chair will ensure that the proceedings are as welcoming as possible.

### **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;
- written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

## The role of the Clerk

The Clerk is the contact point for the complainant and they are required to:

- set the date, time and venue of the hearing, 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 hearing;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the panel's decision.

## 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. The complainant will be notified of the panel's decision within 15 working days.

A copy of the panel's findings and recommendations will be provided to the complainant and, where relevant, the person complained about.

The findings and recommendations of the panel will be available for inspection on the school premises by the proprietor and the Headteacher.

The Trusts appeal hearing is the last Academy-based stage of the complaints process.

There will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Chair of the Trust will inform them in writing that the procedure has been exhausted and that the matter is now closed as far as the Academy is concerned.

Where a complainant feels it is appropriate they may wish to complain to the Education Skills Funding Agency (ESFA) in the following circumstances:

- the complainant considers that the Academy's complaints procedure has not been applied correctly;
- the Academy is not following the terms of its funding agreement.

The ESFA can't deal with all types of complaint and the complainant may need to contact a different agency. Details are as follows:

If the complaint relates to	The Complainant may wish to contact
Data protection / GDPR	Information Commissioner's Office
Discrimination	Equality Advisory and Support Service
Employment	an employment tribunal
Exam malpractice or maladministration	Ofqual and the awarding body

For further advice regarding 'complaining about an Academy' a complainant may wish to visit the following website: [www.gov.uk/complain-about-school](http://www.gov.uk/complain-about-school)



## **PART C - Other Information**

### **1. Recording complaints**

The Academy will record all formal complaints along with details of whether they were resolved following a formal procedure, or progression to a panel hearing.

The Academy will record the action it takes as a result of complaints, regardless of whether they are upheld.

Correspondence, statements and records relating to individual complaints are to be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Education and Skills Act requests access to them.

The person dealing with the complaint will pass all documents associated with the complaint to the Chief Finance & Operations Officer who will be responsible for storing documents centrally for the appropriate timeframes.

### **2. Trust Board review**

The Trust Board will monitor the level and nature of complaints regularly at the appropriate committee meeting to ensure the effectiveness of the procedure and make changes where necessary. Complaints information shared with the whole Trust Board will not name individuals.

### **3. Publication**

There is a legal requirement for the complaints procedure to be publicised. Details of the complaints procedure will be included in:

- the information given to new parents when their children join the school;
- The Basildon Academies website

**The Basildon Academies - External Complaint Form**

Please complete and return to the appropriate person (see Part C, section 2). Once received, the complaint will be acknowledge and investigated as appropriate.

<b>Your Name:</b>	
<b>Your Address:</b>	
<b>Your Telephone Number:</b>	
<b>Your email address:</b>	
<b>Who or what this matter relates to (i.e. a staff or student name or subject)</b>	
<b>Details of your complaint</b>	

<b>What actions, if any, have you already taken to try and resolve your complaint. (Who did you speak to and what was the response)?</b>	
<b>What actions do you feel might resolve the problem at this stage?</b>	
<b>Are you attaching any paperwork? If so, please give details.</b>	
<b>Signature:</b>	
<b>Date:</b>	
<b>Academy Use Only:</b>	
<b>Date Received:</b>	
<b>Date acknowledgements sent:</b>	
<b>By whom:</b>	
<b>Complaint referred to:</b>	
<b>Date complaint was referred:</b>	