



# The Exceptional Education Trust

## Complaints Policy and Procedure

Type of Policy	MAT Policy to adopt in full ✓ MAT Policy to use in conjunction with Local Academy LGB Policy Local Academy LGB Policy
Review Frequency:	Every 3 years or in response to change in legislation or Government Policy.
MAT Approval Body:	Board Directors
MAT Director Responsible:	Board Directors
Date of Last MAT Review:	9 <sup>th</sup> December 2019
Date of Next MAT Review:	9 <sup>th</sup> December 2022
Other People:	Principal, Director Finance & Resources, SLT and Heads of Year
Appendices:	
Related Legislation:	The education (Independent Academies Standards) Regulations 2010 and Amendments 2014
To be Read in Conjunction with Exceptional MAT or Academy Policy:	Staff Disciplinary Policy and Procedure Grievance Procedure Equality Policy SEN and Inclusion Policy

Signed by the Chair of Board of Directors on behalf of  
The Exceptional Education Trust:

Date: 9/12/2019

No of Pages in addition  
to this Cover Page: 6

# EET Complaints Policy and Procedure

## **1. Introduction**

- 1.1 The purpose of this policy is to ensure that individual Academies within The Exceptional Education Trust (EET) have clarity over the policy and procedure in the case of any complaint made against the individual Academy.
- 1.2 It is also designed to allow parents and carers of registered students, a means of making complaints which they can be confident will be addressed fully within appropriate timescales. Occasionally, professionals with whom staff work may feel that the service provided does not meet the high standards expected and may seek to make a complaint under this Policy and Procedure. Similarly, complaints made by members of the public may also be considered against this Policy and Procedure.

## **2. Aims**

- 2.1 The aim of the policy is to ensure that the EET and its Academies has a clear and effective procedure in place that deals with concerns or complaints relating to the actions of staff and application of EET/Academy procedures where they affect individual students, except matters directly relating to a particular exclusion, child protection, special needs statementing or admission issues, all of which are dealt with under separate procedures.
- 2.2 It is not intended that this policy will cover any complaints made by members of staff since these are usually dealt with under appropriate separate procedures such as the Academy Grievance Procedure.
- 2.3 To maintain the good reputation of The Exceptional Education Trust and the Academies that belong to it by implementing this policy fairly to limit appeals and possible escalation to the ombudsman.

## **3. Responsibilities**

- 3.1 The Multi Academy Trust Board of Directors is responsible for ensuring that the Local Governing Bodies of the Academies within the MAT have a Complaints Policy and Procedure in place and that there is fairness and constancy across the MAT Academies.
- 3.2 The Local Governing Body (LGB) of the Academy is responsible for adopting a clear Complaints policy; this may be delegated to a sub-committee of the full LGB and is named on the cover page for this policy. In addition, it is the responsibility of the LGB to act consistently and fairly when dealing with appeals in relation to complaints.
- 3.3 The Principal is responsible for
  - Promoting working arrangements (within this policy) that allow for the full implementation of the Complaints Policy and Procedure, and ensuring that all employees are aware of the policy and related procedures
  - Complying with legal requirements.
  - Acting fairly and consistently in applying the procedure
  - Keeping staff informed of complaints unless deemed confidential due to the nature of the complaint
- 3.2 Staff are responsible for ensuring their familiarity with and understanding of the Complaints Policy and Procedure and their role within it, especially in relation to resolving concerns at an early stage.

## **4. Policy Statement**

- 4.1 The Governors and staff at the Academy are committed to ensuring that the highest standards are maintained at the Academy both in the provision of education to students and in all aspects of the life of the Academy community.

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- 4.2 A complaints procedure is an important part of the management of a well-run Academy allowing parents, the public and professionals, the opportunity to voice any concerns they may have through appropriate channels.
- 4.3 The Academy distinguishes between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints. This policy outlines the complaints procedure but the underlying principle is that concerns should be handled, where possible, without the need for formal procedure. In most cases, the individual member of staff delivering the service will receive the first approach and it is helpful if staff are able to resolve the concern at the time.
- 4.4 Formal 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 it further.
- 4.5 A complaint may result in disciplinary action by the Academy against a member of staff, which would be confidential between that member of staff and the Academy, but otherwise the complainants should be kept fully informed of the handling of any complaint. Any complaint will be kept confidential unless it is necessary to involve other parties and will be dealt with as quickly as possible.
- 4.6 A written record of all complaints, no matter at what stage they are resolved, must be kept.
- 4.7 Correspondence, statements and records relating to individual complaints must be kept confidential except where the Secretary of State, Ofsted or HMI carrying out an inspection request access to them.
- 4.8 All complaints should be in writing and should be addressed to the Principal in the first instance. If any complaint is made to a member of staff it should be referred on to the Principal and the complainant should be informed by the member of staff that this will happen.

### **5. Procedure: Introduction**

- 5.1 There are four stages to the Academy Complaints Procedure
  - a) Stage 1: Attempt to resolve by/with a Middle Leader
  - b) Stage 2: Principal's Investigation
  - c) Stage 3: Referral to Chair of Local Governing Body
  - d) Stage 4: Local Governing Body Hearing
- 5.2 If the complainant is not satisfied with the outcome of any stage, the matter is considered unresolved and the complaint moves to the next stage of the process.

### **6. Procedure: Stage 1**

- 6.1 A complaint is made in writing directly to the Principal or referred on by a member of staff.
- 6.2 The Principal sets out to resolve the complaints by discussion with the Head of Year or Head of Department, who will precede the meeting by researching the background.
- 6.3 Part of the resolution may include additional monitoring of a member of staff, department or the student.
- 6.4 The Middle Leader will respond to the complainant with the outcome of their investigation within 10 Academy working days of receipt of the complaint if practicable.
- 6.5 If the investigation is wide ranging and still on-going, a courtesy letter explaining the on-going nature of the investigation will be sent by the Principal within 10 working days, the Principal having been informed by the Middle Leader investigating.
- 6.6 If the complaint is against a member of staff, that member of staff has a right to be given details of the complaint as soon as practically possible and the opportunity to make representation about it.

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6.7 Stage 1 may be delegated to a member of the Senior Leadership Team by the Principal if the complaint is against a member of staff.

### **7. Procedure: Stage 2**

- 7.1 If the complainant is not satisfied, they must write to the Principal expressing their dissatisfaction with the outcome of Stage 1, giving his/her reasons. The complaint moves to Stage 2.
- 7.2 The Principal will carry out an investigation, or may delegate a member of the Senior Leadership Team to do so.
- 7.3 After investigating, the Principal, or designated member of the Senior Leadership Team, will respond within 10 days of the complainant's written dissatisfaction with the outcome of Stage 1. The Principal's letter will outline the outcome of the investigation and the action to be taken.
- 7.4 If, however, the investigation is wide ranging and on-going, the letter will be a courtesy letter giving the complainant an update and further information about how long the investigation is expected to take. The letter will also state when next the complainant should expect to hear from the Principal, which should not be more than an additional 10 days. This being the case, an additional letter will be sent out within 10 days and will outline the outcome of the investigation and the action to be taken. The Principal will usually meet with the complainant to discuss the resolution and way forward to ensure that the situation has been resolved.

### **8. Procedure: Stage 3**

- 8.1 If the complainant is not satisfied, they must write to the Principal expressing their dissatisfaction with the outcome of Stage 2, giving his/her reasons. The complaint moves to Stage 3.
- 8.2 The Principal will discuss the matter with the Chair of Governors and may seek advice from the Academy legal department.
- 8.3 The Principal, or designated member of the senior leadership team, will prepare a presentation for the Chair of the LGB which outlines the circumstances of the complaint, includes written statements from staff and/or students, all written communication between the parties in relation to the complaint, any other relevant documentation and an outline of Stages 1 and 2. The report should contain as much relevant detail and as high a level of clarity as possible.
- 8.4 This will be presented to the Chair of the LGB by the Principal or a member of the Senior Leadership Team. If it is presented by a member of the Senior Leadership Team, the Principal will also be present.
- 8.5 The Principal will consult the Chair of Governors on the way forward who may offer a solution for consideration. The Principal responds within 10 days of the complainant's written dissatisfaction with the outcome of Stage 2 informing them of the proposed solution.
- 8.6 If this solution is not accepted by complainant, then the complaint moves to stage 4

### **9. Procedure: Stage 4**

- 9.1 If the complainant is not satisfied with the outcome of Stage 3, they must write to the Clerk to the LGB requesting that that the governors consider a complaint.
- 9.2 The Clerk to the LGB request that the Chair of the LGB nominate a member of the LGB to investigate the matter. The Clerk to the LGB ensures that the Local Governor who has agreed to investigate the matter has a full copy of the report along with all supporting documentation.
- 9.3 The Local Governor will study the report and documentation, may speak to the parties involved and prepare a written statement of findings. This is submitted to the complainant.
- 9.4 The Complainant is informed of his/her right to refer the matter to the Complaints Panel of the Local Governing Body if not satisfied with the outcome. If the complainant is not satisfied with the

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outcome of the Local Governor's investigation, he/she must reply to the Local Governor in writing to inform him/her within 10 days of receiving the Local Governor's written report and requesting that a Hearing of the Complaints Panel take place.

- 9.5 If the complainant requests a Hearing of the Complaints Panel, the Clerk to the LGB will arrange for a Hearing of the Complaints Panel to be convened within 15 Academy days of receipt of the complainant's request. The date of the Hearing will be as soon as practical after the complainant's request is received as is practical to allow for all parties to be informed and prepared.
- 9.6 The Complaints Panel will comprise of at least three people. No panel member will have been directly involved in the matters detailed in the complaint. One panel member will be independent of the management and running of the Academy.
- 9.7 To ensure full preparation for the Hearing, the following actions will be taken
  - a) The Clerk to the LGB will write to Principal, the Chair of the LGB and the complainant providing details of the Hearing. The complainant must be informed that they have the right to be accompanied by a supporter or a legal representative.
  - b) Upon receipt of the letter and in time for arrangements to be made, the Principal and the complainant will inform the Clerk to the LGB of any witnesses that they wish to call to the Hearing.
  - c) The Clerk to the LGB will prepare copies of all documentation for each party who will be present and write to any witnesses whom either party wish to call informing them of the Hearing arrangements.

### **10. Stage 4: Complaints Panel Hearing**

- 10.1 The original letter of complaint is presented and supported by an oral presentation by the complainant or his/her representative.
- 10.2 The Principal or senior leader who investigated presents a response and outlines the findings of his/her investigation.
- 10.3 The investigating Local Governor presents any additional information found.
- 10.4 The Academy's legal consultant provides any relevant legal advice.
- 10.5 Each party is given an opportunity to raise questions
- 10.6 If necessary, the panel will withdraw to consider their findings of fact on the evidence placed before them and agree on their findings and recommendations, which may include measures to redress problems identified. The panel's decision is final.
- 10.7 The Panel's findings and recommendations must be sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. A copy should also be made available to the Principal and kept on the academy premises.

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## 11. Procedure: Stage 4 – Proceedings in the case of a Complaints Panel Hearing

	Stage 1		Stage 2		Stage 3		Stage 4
Complaint Received							
If the complaint is not received in writing a request for this to be done should be made by the receiver.							
	The Principal receives the complaint and Middle Leader investigates, reports back to the complainant and recommended action is implemented.  ↙ ↘						
	The complainant accepts the response	The complainant is dissatisfied or the investigation suggests referral to the Principal for investigation	The Principal or delegated member of SLT investigates, reports back to the complainant and recommended action is implemented  ↙ ↘		Discussion with Chair of Governors  ↙ ↘		
			Suggestion of alternative action to resolve  ↓ The action is implemented if the complainant accepts the suggestion	The complainant remains dissatisfied or further evidence suggests that the Chair of the LGB should become involved	Suggestion of alternative action to resolve  ↓ The action is implemented if the complainant accepts the suggestion		Governors Complaints Panel convenes = decision made
Timescales (Day one is the day of receipt of the complaint by the Principal)	Feedback to complainant with 10 working days, under straightforward circumstances, or a courtesy letter to complainant in ten working days		Decision conveyed to complainant within a further 10 working days.  (Running total 20 working days)		Decision conveyed within 15 working days.  (Running total 35 working days)		Meeting takes place within 15 working days From request to convene. Decision conveyed the day after the meeting

NB: Should Stage 1 require a wide-ranging extended investigation, the overall timescale may be extended by up to 10 days.

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### **12. Final Review in Exceptional Circumstances**

- 12.1 In exceptional circumstances, the Directors of the Trust will accept a request for a final review of the complaint. This request must be in writing and received within 5 working days of the receipt of the decision from the Complaints Panel and must outline the reasons why a review is considered to be appropriate.
- 12.2 A committee of three directors would review the decision making process of the LGB Complaints Panel and whether it has operated within the policies of the Trust, by scrutinising the evidence that was presented at the Complaints Panel.
- 12.3 This committee would make a decision and inform the complainant in writing within 40 working days of the receipt of the written request. No new evidence will be considered by the review committee.
- 12.4 Possible responses by the Directors at this point would be:
- Acceptance of the decision and process followed by the LGB in full;
  - Acceptance of decision with recommendations for future Complaints Panel;
  - A request for the LGB to repeat Stage 4, although this is in no way a challenge to the decision.
- 12.5 Should the LGB confirm the original decision, no further review will be accepted.

