

## EQUITAS ACADEMIES TRUST



**Chilwell Croft**  
Academy

### COMPLAINTS PROCEDURE

**Review Date:** May 2020  
**To be Reviewed:** September 2021  
**Agreed:** Policy Lead  
**Policy Lead:** Headteacher

**Complaints Procedure**

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**COMPLAINTS PROCEDURE**

**1. Introduction**

- 1.1 The Trustees of Equitas Academies Trust have approved and adopted this procedure to allow parents/carers of pupils attending the academies within the Trust to raise a concern or complaint. The Trust will also usually follow this procedure when dealing with complaints from others but reserve the right to substitute this procedure for an alternative process where it is felt appropriate to do so.
- 1.2 This procedure does not apply to concerns and complaints relating to the following, which are dealt with under separate policies:
- a. exclusions;
  - b. admissions;
  - c. appeals relating to internal assessment decisions for external qualifications;
  - d. complaints about statements of SEN/EHC Plans;
- 1.3 The aims of the procedure are:
- a. to deal thoroughly, fairly, transparently and effectively with any complaint against an academy or any individual connected with it.
  - b. to be open and honest dealing with the complainant.
- 1.4 All staff will be made aware of this complaints procedure and are expected to review this policy regularly in order that they are familiar with our process of dealing with complaints and can be of assistance when an issue is brought to their attention.

**2. Understanding this procedure**

- 2.1 In order to investigate a complaint as fully as possible, a four staged approach has been implemented. It is anticipated that almost all complaints that arise will be resolved at Stage 1 or Stage 2.
- 2.2 To enable a proper investigation, concerns or complaints should be brought to the attention of the academy as soon as possible. In general, any matter raised more than 3 months after the event being complained of will not be considered.
- 2.3 An anonymous concern or complaint will not be investigated under this procedure therefore complaints issued through the 'SHARP' system at Aston Manor Academy will not be considered.
- 2.4 If it becomes necessary to alter the time limits and deadlines set out within this procedure, the complainant will be advised accordingly. They will be given an explanation as to why this has been necessary and provided with revised timescales.
- 2.5 In this procedure:
- a. 'school days' excludes weekends and academy holidays;
  - b. 'parent' means a parent, carer or anyone with legal responsibility for a child.

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- 2.6 Concerns or complaints from persons other than parents/carers or pupils should be dealt with in accordance with Annex 3.
- 2.7 Please note the complainant is, at no stage in this procedure, able to record a meeting using their own recording device.

### **3. PART 1: The Complaints Procedure**

#### **Stage 1: Informal concerns**

- 3.1 Many concerns can be dealt with satisfactorily by the class teacher, the head of year or other members of staff without the need to resort to the formal procedure. Informal meetings and discussions are valued and parents are encouraged to approach staff with any concerns they may have. The Trust will always aim to resolve all issues with open dialogue and mutual understanding.
- 3.2 It is always helpful if a complainant can, at the outset, fully explain the nature of the concern and identify the outcome they are looking for. The complainant may be invited to an informal meeting with the most appropriate member of staff to deal with that concern. The member of staff will make sure that the complainant is advised of what action (if any) has been agreed. This may be put in writing if appropriate.
- 3.3 If the concern is brought to the attention of the Local Headteacher / Executive Director, they may decide to deal with it directly at this stage. If the concerns are about the Local Headteacher / Executive Director these should be referred directly to the Chair of the Trust Board under Stage 2.
- 3.4 There is no suggested timescale for resolution at this stage given the importance of dialogue through informal discussion. However, it would be expected that most issues would be resolved within 15 school days.
- 3.5 Where no satisfactory solution has been found, the complainant will be advised, should they wish, to write to the Local Headteacher / Executive Director under Stage 2.

#### **Stage 2: Formal Written Complaints**

- 3.6 If a concern has not been resolved under Stage 1 or, should a complainant feel that a concern should be dealt with as a formal complaint, he/she should put their complaint in writing and send this to the Local Headteacher / Executive Director of the relevant academy. In the vast majority of cases this will be the academy school which the child attends. In exceptional circumstances this complaint may be heard verbally during a meeting with the Local Headteacher / Executive Director. In these circumstances the notes made at the meeting will be used as the formal written complaint.
- 3.7 The written complaint should set out the basis of the complaint in as much detail as possible. Such details may include:
  - a) How the matter has been dealt with so far.
  - b) Dates, times and locations of events.
  - c) The names of potential witnesses.

- d) Copies of all relevant documents.
- e) A clear statement of the actions that the complainant would like the academy to take to resolve the complaint.

The complainant may wish to use the Complaint Form provided in Annex 1.

- 3.8 The complaint will normally be acknowledged in writing within 5 school days of receipt. The acknowledgement will include, a copy of the Complaints Procedure, the name and contact details of the person appointed to investigate the complaint, a target date for completing the investigation and providing a full response to the complaint. This will normally be within 20 school days of receipt of the written complaint.
- 3.9 The Local Headteacher / Executive Director (or someone appointed by them) will usually invite the complainant to a meeting to clarify the details of the complaint and to explore possible resolutions. If the complainant accepts that invitation, they may be accompanied to the meeting by a friend, relative, or interpreter, to assist them. This meeting will normally take place within 10 school days of receipt of the written complaint.
- 3.10 If necessary, witnesses will be interviewed, and statements taken from those involved. If the complaint centres on a pupil, the pupil should also be interviewed. Pupils should normally be interviewed with their parent present, but if this would seriously delay the investigation of a serious or urgent complaint or if the pupil has specifically said that s/he would prefer that their parents were not involved, another member of staff with whom the pupil feels comfortable may be present. If a member of staff is complained against, they must have the opportunity to present their case.
- 3.11 Once, as far as possible, all the relevant facts have been established, the complainant will be provided with a written response to the complaint, including a full explanation of the decision and the reasons for it. This will include what action, if any, the academy will take to resolve the complaint.
- 3.12 If the complainant is dissatisfied with the outcome, they may request that the complaint be heard by the Complaints Committee.
- 3.13 If in the early stages of the investigation, the Executive Director considers that the complaint is best dealt with immediately at Stage 3, it will be passed to the Chair of the Trust Board and the complainant will be informed.

#### **4. What if the complaint is about the Local Headteacher / Executive Director?**

If the complaint is about the Local Headteacher or Executive Director, or if the Local Headteacher or Executive Director has been closely involved at Stage 1, the complaint should be sent to the Chair of the Trust Board. The Chair of the Trust Board will then appoint a member of the trust to carry out all the Stage 2 procedures.

#### **5. What if the complaint is about a member of the Trust Board?**

If the complaint is about a member of the Trust Board, the complainant should contact the Chair of the Trust Board who will investigate the concerns in accordance with Stage 2. If the complaint is about the Chair of the Trust Board the complainant should contact the Vice Chair.

If the complaint is about the Trust Board as a whole, the complainant should contact the Chair of the Trust Board who will appoint an independent, external, person to investigate the complaint

The Chair and Vice-Chair of the Equitas Academies Trust may be contacted via the Clerk to the Trust Board, c/o Aston Manor Academy, Phillips Street, Birmingham, B6 4PZ.

**6. Stage 3: Referral to the Complaints Committee**

- 6.1 If the complainant is dissatisfied with the decision under Stage 2, they may request that a Complaints Committee be convened to consider the complaint. Such a request will only be considered once the relevant procedures at Stages 1 and 2 have been completed.
- 6.2 To request a hearing before the Complaints Committee, the complainant should write to the Clerk to the Trust Board, c/o Aston Manor Academy, Phillips Street, Birmingham, B6 4PZ within 10 school days of receiving notice of the outcome of Stage 2.
- 6.3 The complainant should ensure that they clearly outline the grounds for the complaint and provide copies of all relevant documents. The complainant should also state the outcome that they are looking for.
- 6.4 The written request will be acknowledged within 5 school days of receipt.
- 6.5 The Clerk will arrange for a Complaints Committee to be convened, made up of at least three members, including:
- members of the Trust Board with no prior involvement in the matter; and,
  - one person who is independent of the management and running of the Academy Trust.

*Please note that in the event that the school is closed for any length of time that an online hearing may be convened.*

- 6.6 The Chair of the Trust Board shall appoint one of these members to be the Chair of the Committee.
- 6.7 Every effort will be made to enable the hearing to take place within 20 school days of the receipt of the complainant's request. As soon as reasonably practicable and in any event at least 5 school days before the hearing, the complainant will be sent written notification of the date, time and place of the hearing or of the platform to be used if the hearing is to be online, together with brief details of the committee members who will be present. Fair consideration will be given to any bona fide objection to a particular member of the committee. The notification will also inform the complainant of their right to be accompanied to the meeting by a friend, relative or interpreter. The notification will also explain how the meeting will be conducted. The complainant should notify the Clerk in advance if they intend to bring anyone to the hearing together with the names of any witnesses they wish to present. The Complaints Committee is under no obligation to hear oral evidence from witnesses but may do so and/or may take written statements into account.

- 6.8 A copy of the complaint together with any other documents provided by the complainant in support of their complaint will be provided to the Complaints Committee. The Committee will also receive copies of any papers the academy wishes to present in defence of the complaint. Copies of all documents to be considered by the Committee shall also be provided to the complainant and the Local Headteacher / Executive Director (as appropriate) at least 3 school days before the hearing. The Complaints Committee reserves the right not to consider any documentation presented by either party less than 3 school days prior to the hearing.
- 6.9 The hearing will be conducted in such a way as to ensure that each party has the opportunity to address the Complaints Committee. The procedure to be followed during the hearing will be set out to the parties by letter in advance of the hearing. The Clerk will ensure that sufficient notes are taken to record an accurate reflection of the points considered and any decisions taken, or actions agreed.
- 6.10 Unless otherwise stated, the procedure for the hearing will be as follows:
- the parent and Local Headteacher / Executive Director will join the hearing together;
  - the Chair of the Committee will introduce the committee members and outline the process;
  - the parent will explain the complaint;
  - the Local Headteacher / Executive Director and committee members will question the parent;
  - the Local Headteacher / Executive Director will explain the academy's actions;
  - the parent and the committee members will question the Local Headteacher / Executive Director;
  - the Local Headteacher / Executive Director will sum up the academy's actions;
  - the parent will sum up their complaint;
  - the Chair of the Committee will explain that both parties will hear from the committee within 5 school days;
  - both parties will leave together;
  - the Clerk will stay to assist the committee with its decision making.
- 6.11 After the hearing, the Complaints Committee will consider their decision and inform the complainant and the Local Headteacher / Executive Director of its decision, in writing, within 5 school days. The letter will set out the decision of the committee together with the reasons underpinning that decision. The committee can (by a majority if necessary):
- 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 or procedures to ensure that problems of a similar nature do not happen again.

## **7. Stage 4: Referral of complaint to Education Funding Agency (EFA)**

- 7.1 If the complainant is dissatisfied with the decision of the Complaints Committee, they are entitled to refer their complaint to the Education Funding Agency (EFA). The EFA has limited powers to review the handling of the complaint in accordance with its 'Procedure for dealing with complaints about Academies'.

7.2 At the time of writing this procedure, the EFA procedure and the EFA academy complaints form are available at:

<https://www.gov.uk/complain-about-school>

## **8. Records of Complaints**

8.1 A written record will be kept of all complaints, including at what stage they were resolved. Correspondence, statements and records relating to individual complaints will be kept confidential except where access is requested by the Secretary of State or where disclosure is required in the course of a school inspection or under other legal authority.

## **9. PART 2: Unreasonably persistent complainants and unreasonable complainant behaviour**

9.1 There are rare circumstances where the Trust will deviate from the Complaints Procedure set out in Part 1. These include, but are not necessarily limited to:

- where the complainant's behaviour towards staff or Trustees is unacceptable. Examples include but are not limited to abusive, offensive or threatening behaviour;
- where, because of the frequency of their contact with the academy, the complainant is hindering the consideration of their or other people's complaints and/or the proper running of the academy;
- where the complainant's complaint is clearly vexatious and/or has patently insufficient grounds;
- where the complainant's complaint is the same, similar to or based on the same facts of a complaint which has already been considered in full by the academy.

9.2 In these circumstances, the Trust may:

- inform the complainant that their behaviour is unacceptable or unreasonably persistent and ask them to change it;
- restrict the complainant's access to the academy e.g. requesting contact in a particular form (for example, letters only), requiring contact to take place with a named person only, restricting telephone calls to specified days and times or banning the complainant from the academy's premises;
- conduct the Complaints Committee on the papers only i.e. not hold a hearing;
- refuse to consider the complaint and refer the complainant directly to Stage 4.

9.3 In all cases the complainant will be notified in writing why it is believed that their behaviour is unacceptable or unreasonably persistent, what action will be taken and the duration of that action.

9.4 Where the behaviour is so extreme that it threatens the immediate safety and welfare of staff or Trustees other options will be considered, for example reporting the matter to the police or taking legal action. In such cases, the complainant may not be given prior warning of that action.

**Date of next review: September 2021**



**Annex 1**

**Complaints Form**

<b>Your name:</b>
<b>Pupil's name:</b>
<b>Your relationship to pupil:</b>
<b>Your address and postcode:</b>
<b>Your daytime telephone number:</b>
<b>Your evening telephone number:</b>
<b>Your email address:</b>
<b>Your complaint is: (if you have more than one complaint, please number these)</b>
<b>What action have you already taken to try and resolve your complaint(s)? (Who did you speak to and what was the response?)</b>

**What would you like as an outcome from your complaint(s)?**

**Are you attaching any paperwork? If so, give details here:**

**Your signature..... Date .....**

**All functions of the complaints procedure must adhere to the requirements of the Data Protection Act 1998 and the Freedom of Information Act 2000.**

**Please complete and return to the academy office in a sealed envelope addressed to the Local / Executive Director, Chair of the Trust Board or Clerk to the Trust Board (as appropriate).**

***Office use***

**Date received .....**

**Date acknowledgement sent .....**

**Responsible member of staff .....**

**Annex 2**

**Summary of Complaints Procedure**

<b>Stage 1: Informal concerns</b>	Parent brings complaint to attention of member of staff
	Issue to be resolved within 15 school days
	Where no satisfactory solution has been found, parent to be advised that they should proceed to Stage 2
<b>Stage 2: Formal Written Complaint</b>	Parent to put complaint in writing using Complaint Form
	Complaint to be acknowledged within 5 school days
	(Optional) Meeting with parents within 10 school days
	Response to the complaint sent within 20 school days
<b>Stage 3: Referral to Complaints Committee</b>	Parent to request hearing within 10 school days of receiving notice of the outcome of Stage 2
	Request to be acknowledged within 5 school days
	Hearing to take place within 20 school days of receipt of request
	Notification of date, time and place of the hearing and details of the committee members present sent at least 5 school days before the hearing
	Academy and parents to submit evidence in support of their case to Clerk at least 3 school days before the hearing
	Complaints Committee decision sent not more than 5 school days after the hearing

**Annex 3**

**Concerns or Complaints from persons other than parents/carers of registered pupils in the school**

The main body of this complaints policy applies solely to complaints made by parents or carers of pupils in the academy schools. However, the Trust wishes to work closely with other members of the local community and will deal with concerns and complaints as follows:

1. A concern regarding an academy school and/or its operations may be made to any member of staff. That member of staff will attempt to resolve the matter immediately or may, if appropriate, refer the matter to their line manager or member of the Senior Leadership Team who is best placed to deal with the concern. It is expected that most concerns will be responded to orally or in writing within 15 school days. If a longer period is required, the complainant will be kept informed of the progress of the investigation.
2. Where a concern is not resolved at Stage 1, a formal complaint should be sent to the Local Headteacher / Executive Director via email or post in order to be investigated. At no point should the 'SHARP' system at Aston Manor Academy be used to issue a complaint.

The Local Headteacher / Executive Director may delegate the task of investigation and/or responding to the complaint to a member of Senior Leadership Team or may escalate the complaint straight to Stage 3. A formal response to the complaint will usually be provided within 20 school days of receipt of the letter of complaint although if a longer period is required to respond, the complainant will be kept updated.

3. If the complainant is not satisfied with the response at Stage 2, they may request a review by writing to the Chair of the Trust Board. The complainant should write to the Chair within 10 school days of receipt of the letter at Stage 2. The Chair may consider the complaint alone or may convene a complaints committee on the same terms as set out in the main body of the complaints policy. The decision at this stage will usually be sent to the complainant within 20 school days of receipt of the request for a review.

The decision at stage 3 exhausts the Trust's complaints procedure.