



COMPLAINTS POLICY FOR THE SHARED LEARNING TRUST

Policy Title	Complaints Policy	Department Responsible:	Human Resources
Version	V1 – September 2012 V2 – September 2014 V3 – July 2016 V4 – 1 September 2017 V5 – 1 April 2018	Review Date:	1 September 2019

Complaints Policy

1. Scope

1.1 This policy applies to all staff, students and guardians within The Shared Learning Trust (TSLT).

2. Context

2.1 The TSLT is committed to listening to views about our service. This feedback will be used wherever possible, to help maintain and improve standards. The TSLT encourages and welcomes all comments and views, both positive and negative.

2.2 This policy is designed to establish a clear mechanism for the resolution of complaints.

2.3 In addition, where it becomes evident at an early stage that the nature of a complaint may give rise to future disciplinary action, this policy will be set aside in favour of other established disciplinary procedures.

2.4 The TSLT or individual academies will not deal with anonymous complaints. Therefore, this policy does not provide for a resolution of anonymous complaints except for the referral of child protection concerns through the appropriate procedures and guidelines, including referral to external agencies.

3. Aims

3.1 The Complaints Policy aims to:

- provide an efficient and thorough system through which issues are effectively addressed
- help the academy and TSLT to provide the best possible service for its pupils, parents/carers, visitors and the local community
- provide a simple, speedy and accessible service that respects confidentiality
- provide a courteous and respectful response
- address issues arising from complaints in a fair and honest manner within reasonable timescales set out
- treat individuals and groups with openness, equality and inclusiveness
- keep people informed of progress and the final outcome of the issues raised, be simple, easily accessible and easy to use
- resolve any complaints in a timely manner. Timescales for each stage are set out below in the relevant paragraphs.

4. Statutory Position

4.1 Under Section 29 of the Education Act 2002, governing bodies of all maintained Academies in England are required to have in place a procedure to deal with complaints relating to the academy and to any community facilities or services that the academy provides. The law also requires the complaint procedure to be publicised. The Trust will maintain a written record of all complaints whether they are resolved at the preliminary stage or proceed to a panel hearing.

5. Policy detail

5.1 Your rights as a person making a complaint.

In dealing with your complaint the TSLT will ensure that you receive:

- fair treatment
- courtesy

- a timely response
- accurate advice
- respect for your privacy – concerns will be treated as confidentially as possible. It may be necessary to consult with other appropriate agencies about your complaint
- reasons for our decisions.

Where there are grounds to your complaint this will be acknowledged and the issues you have raised will be addressed. Similarly, the Academy and TSLT will ensure that you are clearly advised where it is believed that there are no grounds to your complaint.

5.2 Your responsibilities as a person making a complaint

In raising an issue we would expect that you:

- raise any issues in a timely manner
- treat TSLT staff as professionals, in a non-threatening manner and with respect and courtesy
- provide accurate and concise information in relation to the issue you raise
- use these procedures fully and to engage in them at the appropriate levels.

In addition, the TSLT expects that you have reasonable grounds for making a complaint and are not seeking to invoke these or other procedures as a means of dealing with issues that are more appropriately dealt with in other more appropriate ways.

6. Making a Complaint

6.1 Stage 1 – Informal Resolution - Speaking with the person concerned

In the first instance a complaint or concern should normally be referred verbally to the member of staff concerned, so that they may be allowed an opportunity to address the issue, as in many instances, these can arise through a simple misunderstanding. You should observe the academy's protocols for arranging and conducting such approaches or meetings.

If the staff member/ parent or carer cannot resolve the matter alone, they should contact the relevant manager. If the matter remains unresolved, the staff member/parent or carer should contact the principal of the academy. Any complaint made directly to the principal will normally be referred to the relevant manager initially.

Every effort will be made to find a satisfactory resolution, usually within 15 working school days. Staff members and the relevant manager will keep records of concerns and complaints on the date when they were received and reviewed. The staff member or manager will document the outcome in writing by email or otherwise and send this to the parent/ carer.

Most complaints will be resolved informally. In the case(s) when this does not happen, staff, parents and carers will be advised that they may follow a formal procedure.

The above approach would not prevent you from choosing to enter the formal process at a later stage.

6.2 Stage 2 – Formal Resolution

If the complaint cannot be resolved on an informal basis, then the parents or carers should put their complaint in writing to the principal. The principal will decide, after considering the complaint, the appropriate course of action to take. If the complaint is about the principal, the written complaint will be re-directed to the chair of the local governing body (LGB) and Chief Executive Officer.

In most cases the principal will speak to the parents concerned, normally within five working school days of receiving the complaint, and will discuss the matter. If possible a resolution will be reached at

this stage. However the principal may need to carry out further investigations. A written records of all meetings and interviews held in relation to the complaint will be kept. Once the principal is satisfied that, so far as is practicable, all of the relevant facts have been established, a decision will be made and parents will be informed of this decision in writing. The principal will also give reasons for the decision.

The principals aim is to inform any complainant of the outcome of an investigation and the resolution to the complaint within 28 working school days from the receipt of the complaint. However, any written complaint received within one month of the end of term or half term is likely to take longer to resolve owing to the school holidays and the unavailability of staff members.

If parents are still not satisfied with the decision, they should proceed to address the issue to the chair of the local governing body, who will review the situation using the same procedure as the principal. Alternatively the parents may request a formal panel hearing (Stage 3).

6.3 Stage 3 – Formal Panel Hearing in consultation with the Chief Executive Officer

If parents seek to invoke Stage 3 (following a failure to reach an earlier resolution) they should put their request in writing to the chair of the local governing body within five working school days of the decision complained of, enclosing all relevant documents, grounds of the complaint and a statement outlining their desired outcome. This request will usually only be considered if the procedures at Stages 1 and 2 have been completed.

Every effort will be made for the panel hearing to take place within 25 working school days of receipt of the request, but the panel will not normally sit during half-term or school holidays. Written notification will be sent to parents of the date, time and location of the hearing as soon as reasonably practicable and in any event at least seven working school days before the hearing.

The complaints panel's task is to establish the facts surrounding the complaint(s) that has/have been made by considering the documents provided by both parties and any representations made by parents, the principal and where appropriate, relevant additional information supplied by the chair of the local governing body. After evaluating the evidence, the panel will either uphold or dismiss the complaint.

The complaints panel will comprise of three persons, likely to be two local governors of the academy and one local governor from another local governing board. The members of the panel will appoint a chair.

If the panel deems it necessary, it may require that further particulars of the complaint or any related matter be supplied in advance of the hearing. Copies of such particulars shall be supplied to all parties not later than two working school days prior to the hearing.

The parents may be accompanied to the hearing by one other person. This may be a relative, staff member or friend. The hearing is not a legal proceeding and so legal representation will not be permitted.

The chair will conduct the hearing in such a way as to ensure that all those present have the opportunity of asking questions and making comments in an appropriate manner. All those attending the hearing are expected to show courtesy, restraint and respectfulness or, after due warning, the hearing may be adjourned or terminated at the discretion of the chair. If terminated, the original decision will stand. Any person who is dissatisfied with any aspect of the way the hearing is conducted must say so before the proceedings go any further and his/her comment will be minuted.

If possible, the panel will resolve the parents' complaint immediately, without the need for further investigation. Where further investigation is required, the panel will decide how it should be carried out and, at the chair's discretion, the hearing may be adjourned.

After due consideration of all the facts they consider relevant, the panel will reach a decision and make recommendations which it shall complete within 10 working school days of the hearing. The panel will notify parent's or carers in writing by email or otherwise of its findings, the reasons for the decision and any recommendations. The decision of the panel will be final. The panel's findings and, if any, recommendations will be also be sent in writing to the principal, the chair of board of directors and where relevant, the person complained of. The decisions, findings and any recommendations will also be available for inspection on the school premises by the board of directors.

Parents and carers can be assured that all concerns and complaints will be treated seriously and confidentially.

7. Record Keeping

7.1 The TSLT shall maintain a record of all correspondence, conversations and meetings concerning your complaint. These records shall be held confidentially in the academy and shall be kept apart from pupil records. All such records will be destroyed **five years** after the date of the last correspondence on the issue.

7.2 If you do not respond within 5 working days to the outcome of an investigation into your comment / complaint we will assume that you are satisfied and do not require us to take further action.

8. Roles and Responsibilities

8.1 The LGB are responsible for ensuring that the academy complies with legislation, and that this policy and any related procedures and action plans are implemented.

8.2 The principal is responsible for implementing the policy, for ensuring that all staff are aware of their responsibilities, for providing them with appropriate training and support, and for taking appropriate action.

8.3 Day to day responsibility for coordinating and implementing this policy is with the academy principal.

8.4 All staff/others are expected to adhere to this policy as required by TSLT Code of Conduct.

9. Unreasonable Complaints

9.1 The Shard Learning Trust defines unreasonable complainants as *'those who, because of the frequency or nature of their contacts with the academy, hinder our consideration of their or other people's complaints'*.

9.2 A complaint may be regarded as unreasonable when the person making the complaint:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;

- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where the academy's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
- seeks an unrealistic outcome;
- makes excessive demands on academy time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

9.3 A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:

- maliciously;
- Aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- publishing unacceptable information in a variety of media such as in social media websites and newspapers.

9.4 Complainants should limit the numbers of communications with an academy while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

9.5 If the behaviour continues the Head of school will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact one of our academies causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

9.6 In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from the trust or an academy premises.

10. Monitoring and Review

10.1 This policy will be reviewed annually.

10.2 Its outcomes will be assessed and reviewed by the board of directors.

10.3 Its impact and effectiveness will be judged in terms of the positive benefits and any negative consequences arising from its implementation.

11. Dissemination

11.1 All policies that need to be conveyed to pupil, staff and families will be published on the academy's and TSLT's website.

11.2 Staff will be informed about policies during induction and through on-going in-service training.

11.3 Those policies that are important for students to be aware of will be promoted through the student council and other routes such as citizenship classes. Key messages from policies will be prominent in the academy e.g. using displays.