



SEAX Multi-Academy Trust

COMPLAINTS POLICY & PROCEDURE

Complaints Policy & Procedure

Type of Policy:	MAT Policy to adopt in full
Review Frequency:	Every 3 years or in response to change in legislation or Government Policy
MAT Approval Body:	Board of Directors
MAT Director Responsible:	Resources & Audit Committee
Date of last MAT Review:	September 2017 (Previous: October 2016)
Related Legislation:	The education (Independent Academies Standards) Regulations 2014. Schedule 1, Part 7.
To be Read in conjunction with SEAX Trust or Academy Policy:	Staff Disciplinary Policy and Procedure Grievance Procedure Single Equality Policy SEN and Inclusion Policy

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1. Introduction

- 1.1 The purpose of this Policy is to ensure that the individual Academies within the SEAX Trust have clarity over the policy and procedure in the case of any complaint made against the individual Academy.
- 1.2 The Policy 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 & Procedure. Similarly, complaints made by members of the public may also be considered against this Policy & Procedure.

2. Aims

- 2.1 The aim of the Policy is to ensure that the SEAX Trust and its Academies have a clear and effective procedure in place which deals with concerns or complaints relating to the actions of staff and application of SEAX Trust procedures where they affect individual students, except matters directly relating to a particular exclusion, child protection, special needs or admission issue, 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 Trust Grievance Procedure.
- 2.3 To maintain the good reputation of the SEAX 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 Trustees is responsible for ensuring that Academies within the MAT have a Complaints Policy & Procedure in place and that there is fairness and constancy across the MAT Academies.
- 3.2 The Local Academy Committee (LAC) is responsible for managing the Complaints Policy and to act consistently and fairly when dealing with appeals in relation to complaints.
- 3.3 The Headteacher is responsible for:
 - Promoting working arrangements (within this policy) that allow for the full implementation of the Complaints Policy & 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
- 3.4 Staff are responsible for ensuring their familiarity with the understanding of the Complaints Policy & Procedure and their role within it, especially in relation to resolving concerns at an early stage.

4. Policy Statement

- 4.1 The Trustees, Governors and staff at each 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.
- 4.2 A Complaints Procedure is an important part of the management of a well-run Trust and Academy allowing parents, the public and professionals the opportunity to voice any concerns they may have through appropriate channels.
- 4.3 The Trust and 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, whilst carrying out an inspection, request access to them.
- 4.8 All complaints should be in writing and should be addressed to the Headteacher in the first instance. If any complaint is made to a member of staff, it should be referred on to the Headteacher and the complainant should be informed by the member of staff that this will happen.

5. Procedure: Introduction

- 5.1 There are five stages to the SEAX Trust's Complaints Procedure
 - a) Stage 1: Attempt to resolve by/with a Senior Leader
 - b) Stage 2: Headteacher's Investigation
 - c) Stage 3: Referral to Chair of Local Academy Committee and Executive Principal of the Trust
 - d) Stage 4: Meeting of complainant with Chair of Local Academy Committee or nominated governor
 - e) Stage 5: Board of Trustees' Appeals' 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 Attempt to resolve with/by a Senior Leader

- 6.1 A complaint is made in writing, directly to the Headteacher, or referred on by a member of staff.
- 6.2 The Headteacher sets out to resolve the complaint by discussion with relevant Senior Leadership staff, 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 student.
- 6.4 The Senior Leadership member of staff will respond to the complainant with the outcome of their investigation within ten 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 Headteacher **within ten working days**, the Headteacher having been informed by the Senior 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.
- 6.7 Stage 1 may be delegated to a member of the Senior Leadership Team by the Headteacher if the complaint is against a member of staff.

7. Procedure: Stage 2 Headteacher's Investigation

- 7.1 If the complainant is not satisfied following completion of Stage 1, they must write to the Headteacher expressing their dissatisfaction with the outcome of Stage 1, and giving their reasons. The complaint then moves to Stage 2.
- 7.2 The Headteacher will carry out an investigation.
- 7.3 After investigating, the Headteacher will respond **within ten working days** of the complainant's written dissatisfaction with the outcome of Stage 1. The Headteacher'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 up-date 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 Headteacher, which should not be more than an additional ten working days. This being the case, an additional letter will be sent out within ten working days and will outline the outcome of the investigation and the action to be taken. The Headteacher will usually meet with the complainant to discuss the resolution and way forward and to ensure that the situation has been adequately resolved.

8. Procedure: Stage 3 Referral to Chair of Local Academy Committee and Executive Principal of the Trust

- 8.1 If the complainant is not satisfied following completion of Stage 2, the complainant must write to the Headteacher expressing their dissatisfaction with the outcome of Stage 2, and giving their reasons. The complaint then moves to Stage 3.
- 8.2 The Headteacher will discuss the matter with the Trust's Executive Principal and may seek advice from the Trust's HR/legal support.
- 8.3 The Headteacher will prepare a presentation for the Chair of the Local Academy Committee (LAC) 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 The presentation will be made to the Chair of the Local Academy Committee (LAC) by the Headteacher.
- 8.5 The Headteacher will consult the Chair of the Local Academy Committee (LAC) on the way forward, who may offer a solution for consideration.
- 8.6 The solution will be conveyed to the complainant **within 15 working days*** of receipt of the complainant's written dissatisfaction with the outcome of Stage 2.
- 8.7 If this solution is not accepted by the complainant, then the complaint moves to Stage 4.

9. Procedure: Stage 4 Meeting of complainant with Chair of Local Academy Committee or nominated governor

- 9.1 If the complainant is not satisfied with the outcome of Stage 3, they must write to the Trust's Company Secretary, requesting that the LAC governors consider a complaint.
- 9.2 The Company Secretary will request that the Chair of the LAC, or a nominated member of the LAC ('local governor'), investigate the matter. The Company Secretary will ensure that the Chair of the LAC and/or local governor has a full copy of the Headteacher's report, along with a copy of the complainant's letter to the Company Secretary and all supporting documentation.
- 9.3 Chair of the LAC and/or local governor will study the report and documentation, may speak to the parties involved and will prepare a written statement of findings. The complainant will be invited to meet with the Chair and/or local governor to discuss the written statement of findings and to discuss the resolution and way forward. This invitation should be received by the complainant **within 15 working days*** of receipt of the complainant's written dissatisfaction with the outcome of Stage 3.
- 9.4 The Complainant is informed of his/her right to refer the matter to the Trust's Complaints Panel if not satisfied with the outcome. If the complainant is not satisfied with the outcome of the Chair of the LAC and/or local governor's investigation, he/she must reply to the Chair of the LAC and/or local governor in writing **within ten days** of receiving the Chair of the LAC and/or local governor's written report, requesting that a Hearing of the Trust's Complaints Panel take place.
- 9.5 If the complainant requests a Hearing of the Trust's Complaints Panel, the Trust's Company Secretary will arrange for this to be convened **within 15 working days*** following receipt of the complainant's request. The date of the Hearing will be as soon as practicable after the complainant's request is received, in order to allow for all parties to be informed and prepared.
- 9.6 The Trust's Complaints Panel will comprise at least three people, ensuring cross-Trust representation. 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 Company Secretary will write to the Headteacher, the Chair of the LAC 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 Headteacher and the complainant will inform the Company Secretary of any witnesses that they wish to call to the Hearing.

- c) The Company Secretary 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.

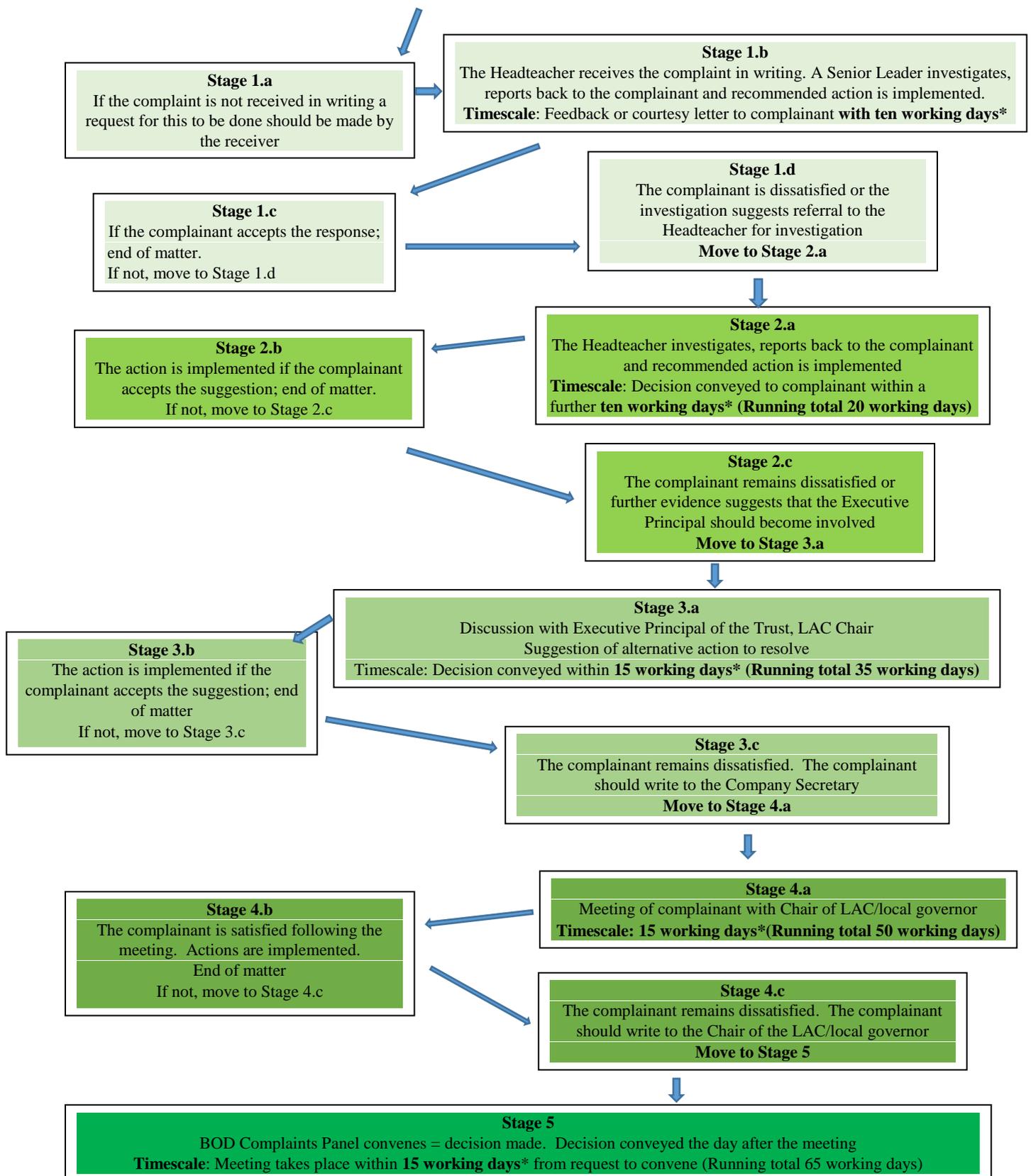
10 Stage 5: Board of Trustees' Appeals' Hearing

- 10.1 Arrangements will be made for an Appeals' Hearing by the Board of Trustees **within 15 working days*** following receipt of the complainant's request, as set out in 9.4 and 9.5. The original letter of complaint is presented and supported by an oral presentation by the complainant or his/her representative.
- 10.2 The Headteacher who investigated presents a response and outlines the findings of his/her investigation.
- 10.3 The investigating Chair/Local Governor presents any additional information found.
- 10.4 The Academy's HR/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 Headteacher and kept on the Academy premises.

***Please Note: In all cases, 'working days' refers to Academy working days and does not include weekends or school holidays.**

Procedure: Stage 5 – Proceedings in the case of a Board of Trustees' Appeals' Hearing

Complaint Received by the Headteacher (Day One)



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

11 Final Review in Exceptional Circumstances

- 11.3 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.
- 11.4 A committee of three directors would review the decision making process of the LAC Complaints Panel and whether it has operated within the policies of the Trust, by scrutinising the evidence that was presented at the Complaints Panel.
- 11.5 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.
- 11.6 Possible responses by the Directors at this point would be:
- a) Acceptance of the decision and process followed by the LAC in full;
 - b) Acceptance of decision with recommendations for future Complaints Panel;
 - c) A request for the LAC to repeat Stage 4, although this is in no way a challenge to the decision.
- 11.7 Should the LGB confirm the original decision, no further review will be accepted.