

CONCERNS AND COMPLAINTS POLICY AND PROCEDURE

Date Adopted by the Trust Board: 11th September 2017

Next Review: September 2019

1.0 The Concerns and Complaints Policy

1.1 This policy will be used across each Academy within Exeter Learning Academy Trust, utilised for all complaints from parents/guardians or any other parties. A copy of the procedure is available from each Academy School's Reception or via the trust website at: www.exeterlearningacademytrust.co.uk.

1.2 For the purpose of this document:

- a. The Exeter Learning Academy Trust is referred to as The Trust;
- b. Academy/School refers to all Academies and Schools within the Trust;
- c. Pupils or Students refers to all pupils or students being educated or on site at any one of the schools/academies within the Trust.

1.3 There is a clear difference between a concern and a complaint. A concern is any verbal expression of dissatisfaction. A written expression of dissatisfaction may also be dealt with as a concern. Concerns are handled informally, whilst maintaining confidentiality at all times. In most cases, the member of staff concerned will receive the first approach and is encouraged to resolve an issue on the spot. This may include apologising where necessary. If the concern cannot be resolved informally, the parents/carers should put their complaint in writing and fill in the form on page 9 of this policy and hand this in to the Head teacher or to the Chair of Trustees of the Academy. At this point the concern becomes a complaint and will be dealt with formally in line with the procedures set out in this policy.

2.0 Introduction

- 2.1** We aim to provide an environment where your child feels safe, happy and valued and where they are supported and challenged to achieve their full potential. We cannot do this without your feedback so maintaining good communication between us is essential. If you have any anxieties about what is happening in school, we need to know as quickly as possible. Our aim is to resolve any issues informally but if you feel that we are not responding effectively to your concerns there is a formal process set out in our Concerns and Complaints Policy.
- 2.2** This procedure is for parents, carers and members of the public to use to let us know about concerns and complaints about any Academy or Local Governing Body within the Trust. It is expected that the concern or complaint will be directed to the school concerned. All concerns raised will be treated seriously and promptly, with courtesy and fairness. Usually, concerns can be dealt with informally and can be resolved satisfactorily through discussion. Occasionally, a concern cannot be resolved in this way and it may become a complaint.
- 2.3** We deal with all complaints in compliance with guidance/regulation set out by the Department for Education, the Education Funding Agency (EFA) and the requirement of the Education (Independent School Standards) Regulations 2010 that a compliant procedure is in place for all the Academies and Schools within the Trust.

2.4 We have adopted a three-stage process for dealing with complaints:

- Stage 1 – Complaint heard by member of staff
- Stage 2 – Complaint heard by Investigating Officer
- Stage 3 – Complaint heard by Complaint Panel

2.5 Every effort will be made to resolve the matter informally. However if this is not possible, the person may wish to take the matter further and should be given clear information about how to do so, along with a copy of this procedure.

3.0 Our Concerns and Complaints Procedure

3.1 We will ensure our complaints procedures are easily accessible and understandable, publicised, impartial and non-adversarial. We will handle all complaints within the documented time limits and will keep people involved informed of progress. A full and fair, confidential investigation will be carried out by an independent person where necessary. We will ensure an effective response and appropriate redress to any issues identified and provide information to the Academy's senior management team to enable services to be improved.

3.2 The Academy will be clear about the difference between a concern and a complaint. We will take concerns seriously at the earliest stage to reduce the numbers becoming complaints.

3.3 Receiving Complaints by Phone or in Person

If a telephone call is received or a person arrives at the school with a concern, or complaint, the member of staff will:

- a. Make a note of the caller information, brief details of the complaint and clarification as to who the caller wishes to speak to.
- b. The person will be passed to an appropriate member of staff who can assist, or will be assured that they will be contacted back within 24 hours.
- c. The member of staff who initially received the complaint will provide details to the Head teacher, who will deal with the complaint or ensure the complaint or concern is passed onto the appropriate member of staff, to contact the person to resolve the complaint in accordance with Stage 1 of the Complaints Process.

3.4 Receiving Complaints in Writing

If a complaint is received in writing, this will be passed onto the Head teacher, who will deal with the complaint or ensure it is passed onto the appropriate member of staff, to contact the person to resolve the complaint in accordance with Stage 1 or 2 of the Complaints Process, whichever stage is relevant to the complaint received.

3.5 Investigating Complaints

When investigating a concern or a complaint the aim is to:

- a. Seek to establish what has happened and who has been involved.
- b. Clarify the nature of the complaint and what remains unresolved.
- c. Speak to the complainant or contact them if further information is required.
- d. Clarify what the complainant feels would put things right.
- e. Interview those involved (at formal stage those being interviewed may be accompanied).

- f. Conduct any interviews with an open mind but be prepared to persist in the questioning.
- g. Keep notes of the interview and include a clear chronology of events.

3.6 At every stage of the procedure, the ways in which a complaint can be resolved are forefront; and it is understood that it may be sufficient to acknowledge that the complaint is valid in whole or in part and, as a result, is appropriate to offer an apology, explanation, admission that it could have been handled differently, assurance that actions have been taken to prevent recurrence and details of these, and/or an undertaking to review Trust policies in the light of the complaint.

3.7 Following an investigation of events sometimes no clear conclusion may be drawn. We accept that this may be frustrating for all parties concerned.

3.8 If following investigation, the complaint is considered to be vexatious the complainant will be informed in writing and no further action will be considered.

4 Stage 1 – Informal Concern or Complaint

4.1 Most concerns will be dealt with informally and parents/guardians or other parties are encouraged to speak to a member of staff to discuss your concerns. The formal procedures set out below will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

4.2 If a parent/carer or other party is concerned about anything to do with the education that we provide within our Trust, they should, in the first instance, discuss the matter with their child's class teacher. Most matters of concern can be dealt with in this way. All teachers work hard to ensure that each child is happy at school, and are making good progress. They always want to know if there is a problem, so that they can take action before the problem seriously affects the child's progress.

4.3 Our Academies operate an open door policy and as such, parents/carers may wish to book in some time to talk to us, if this would be beneficial in resolving your concern informally. Consideration will be given if the person does not want to discuss the situation with a particular member of staff, or if a staff member feels this is not appropriate. If the concern is raised with a local governor, it will be passed to the Headteacher as the local governor may need to be involved at a later stage in the process.

4.4 Should the complaint be about the Headteacher, the Chair of the Local Governing Body will do all they can to resolve the issue informally through a dialogue with the persons concerned.

4.5 Should the complaint be about the Chief Executive Officer or School Improvement Officer, the Chair of the Trust Board will do all they can to resolve the issue informally through a dialogue with the persons concerned.

4.6 The aim is to resolve all informal complaints within fifteen working days. If there is no resolution, the complaint can be notified as a formal complaint in accordance with Stage 2 below.

- 4.7** The only record of the concern and its resolution will be file notes by the person dealing with the complaint and/or file correspondence between the complainant and respondent.

5 Stage 2 – Formal Resolution

- 5.1** If the complaint cannot be resolved on an informal basis (as set out in section 4), then parents/carers/complainants should put their complaint in writing and hand this in to the Academy for the attention of the Headteacher or to the Chair of Governors if it is in relation to the Headteacher, or to the Chair of Trustees or other identified suitable representative, if it is in relation to the Chair or Vice Chair of Governors. A formal complaint to any member of staff will be passed to the Headteacher. The form is on page 9.
- 5.2** The Headteacher will usually act as Investigating Officer unless the complaint involves them. In that instance another Investigating Officer will be appointed who has had no prior involvement with the situation being investigated. The Headteacher may deal with the matter personally or delegate to a senior staff member to act as investigating officer, who will collate the information but will not make the decision on the outcome or action to be taken. The investigating officer will fully investigate the issue and may request further information from the complainant. In most cases, they will meet or speak with the complainant to discuss the matter. The Investigating Officer will keep detailed records of meetings and interviews, including names of those interviewed, questions asked and responses. All concerns should be logged and retained by the member of staff involved.
- 5.3** The Investigating Officer will decide, after considering the complaint, the appropriate action to take. In some cases, he/she may decide to meet or speak with the parents/carers/complainant concerned to discuss the matter. This should be within 15 working days. Where possible, our aim is to reach a resolution at this stage. The complaint will be acknowledged in writing, (which could include email), normally within 5 working days of receipt during term time and as soon as practicable during holidays. The acknowledgement will indicate the action that is being taken and the likely timescale for resolution.
- 5.4** Once the Investigating Officer is satisfied that, so far is practicable, all relevant facts have been established, a decision will be made which will be communicated to parents/carers/complainant in writing. The correspondence will provide the reasons for the decision reached. The written decision should be provided no later than 15 school days after speaking with or meeting with parents/guardians/complainant to discuss the matter (but may take longer if this falls in school holidays). In some instances, this time scale may not be achieved and if this is the case, the Investigating Officer will write to provide a date at which they expect to reach a conclusion.
- 5.5** The Academy will hold a written record of all formal complaints, including records of meetings and interviews held in relation to the complaint. The Academy will also retain correspondence linked to the decision. The record will be retained for 1 year after the pupil leaves the Academy. A report on any stage 2 complaints received and their outcome are reported to the Board of Trustees for monitoring purposes.
- 5.6** Only if Stage 2 proceedings fail to resolve the matter should a complaint progress to Stage 3. The correspondence issued at Stage 2 will outline the process to make an appeal against the decision and have the complaint considered by an independent Complaints Panel.

6.0 Stage 3 – Complaint Panel

- 6.1** If parents/carers/complainants seek to invoke Stage 3, following failure to reach resolution at Stage 2, they may request their complaint be considered by a Complaints Panel. This request must be made in writing, addressed to the Headteacher or Chair of Governors, care of the Academy. This request for further assessment of the complaint will, for the purposes of this procedure, be known as an ‘appeal’.
- 6.2** The appeal must be lodged in writing within fifteen school days of the date of the Academy’s decision made in accordance with the Stage 2 procedure. This may be extended by a further ten working days if any aspect requires further investigation, which will only be invoked in exceptional circumstances. The parents/carers/complainant should provide, in writing, a list of the complaints made against the Academy and which they believe to have been resolved unsatisfactorily by the Stage 2 procedure, along with the remedies sought in respect of each.
- 6.3** The Complaints Panel is only obliged to consider the complaint lodged in this ‘initial submission’ although they may use their discretion to consider other relevant and related matters that may subsequently arise.
- 6.4** Where an appeal is received by the Academy, the Academy will, within 5 school days, refer the matter to the Clerk to the Local Governing Body who will act as Clerk for the Complaints Panel. Where the appeal is received by the Academy during Academy holidays, or within two school days of their commencement, the Academy has five school days upon commencement of the school term to refer the matter to the Clerk. If the appeal concerns the Chief Executive Officer, it will be sent to the Clerk to Trustees. The Clerk provides an independent source of advice on procedure for all parties concerned.
- 6.5** For monitoring purposes, the Clerk to the Complaints Appeal Panel will notify the Chair of the Trustees that a request for a Complaints Appeal Panel has been received. They will be notified again, at the end of the process, informing them of the outcome.
- 6.6** The Clerk will acknowledge the appeal in writing within three working days of receipt and inform the complainant of the steps involved in the process. The clerk will then convene an independent Complaints Panel hearing as soon as possible, usually no later than 20 school days after receipt of the notification from the parents/carers/complainant that they wish to invoke Stage 3. The Panel date will be dependent upon the availability of the Panel members. The Clerk will be the contact point for the complainant.
- 6.7** The Independent Complaints Panel will consist of two to three governors from the Local Governing Body who have not previously been involved in the complaint, and one person who is independent of the management and running of the school who may be selected from another Local Governing Body or be a local business person. There will be sensitivity to the issues of race, gender and religious affiliation. The Panel will select its own Chair.
- 6.8** 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. The complaint appeal panel chair will ensure that the proceedings are as informal as possible.

- 6.9** The following people are entitled to attend a hearing and/or, submit written representations and address the Panel:
- The complainant(s) and/or a representative (other than in exceptional circumstances and with agreement of panel, it is not appropriate for a legal representative to attend);
 - The Headteacher of the Academy, the staff member and/or one representative;
 - The investigating officer
 - Any other interested person whom the Complaints Panel considers to have a reasonable and just interest in the appeal and whose contribution would assist the Panel in their decision-making.

6.10 The Panel may request any reports, documents, chronology or other useful information in advance of the hearing. Evidence will be sent to and collated by the Clerk who will distribute the information to the relevant parties in advance of the hearing.

6.11 After due consideration of the facts considered relevant, the Panel will reach a decision and inform the Clerk. The Clerk will write to all relevant parties within fifteen school days of the hearing, stating the reasons for the decision reached and any recommendations made by the Panel. The decision reached by the Complaints Panel is final. Any decision reached that may have financial implications for the Academy will need the appropriate approval from the Academy Trust, although any such approval must be compatible with the decision of the Complaints Panel. The decision will be communicated in writing. The Chair of Governors will keep a record of all appeals, decisions and recommendations of the Complaints Appeals Panels.

- 6.12** The panel may decide to:
- 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 Trust's or academy/school's systems or procedures to ensure that problems of a similar nature do not recur.

6.13 There is no further right of appeal to the Local Governing Body or the Academy Trust. All complainants have the right, as a last resort, to contact the Education Funding Agency if they are not satisfied with the way in which their complaint has been considered. They can contact the EFA via academy.questions@education.gsi.gov.uk. If a complainant is still dissatisfied with the way that their complaint has been handled they may contact the DfE online via the online school complaints form.

7.0 Exempt Complaints - The following are exempt complaints:

7.1 Complaints about matters outside of the Trust's control

This means a complaint about the activities of persons or organisations not under the direct control of the Trust (for example, complaints by one parent against another).

7.2 Complaints about decisions of the Board of Trustees

Decisions made by the Board of Trustees are not subject to review by Trust employees or individual trustees, and any dissatisfaction in respect of any such decision should be addressed to the Board of Trustees (c/o Chair). The Board will consider representations at a duly convened meeting, but shall not be obliged to reconsider their decision.

7.3 Complaints about Trustees or Committees acting under their delegated powers

This means a complaint about the activities of trustees or committees of the Board, who are acting under the powers delegated to them by the Board of Trustees. These are subject to the Code of Conduct and other policies adopted by the Board, and subject to review by the full Board of Trustees; concerns in respect of such matters should be addressed to the Chair of Trustees (or the Vice Chair if the concern is in relation to the activities of the Chair), who will take such action within his/her powers as s/he considers to be appropriate.

7.4 Complaints previously dealt with

This means a complaint raised by a complainant which has already been dealt with using the procedures outlined in this policy, and which raises no new matter and presents no new information. This may include a complaint which differs slightly from the original complaint, but which is substantially the same as the complaint previously dealt with.

7.5 Complaints in relation to which other procedures exist

This means a complaint in respect of matters which are properly dealt with by way of alternative procedures in place (for example, employee complaints relating to employment matters should be dealt with under the Trust's Grievance Policy; complaints relating to pupil exclusions should be dealt with under the relevant legislative process etc.)

7.6 Complaints by a Persistent Complainant

This means a complaint which is substantially different from complaints previously received, but is submitted by a complainant who may be considered unreasonably persistent. A complainant will not be considered unreasonably persistent solely on the basis that he or she has submitted previous complaints. However, matters such as volume of correspondence, the effect on the Trust's resources of dealing with the complainant, the importance or triviality of the complaint, and the direct impact of the matter complained of on the complainant will be considered factors in determining whether the complaint is an exempt complaint.

7.7 Unacceptable Behaviour

We aim to deal fairly, honestly, consistently and appropriately with all complainants, including those we consider to be persistent complainants. We believe all complainants have the right to be heard, understood and respected. We also consider that employees have the same rights. The Trust reserves the right to conclude an investigation without further involvement from the complainant, or choose not to conclude an investigation, if their behaviour is deemed unacceptable, e.g. aggressive. Where behaviour threatens the immediate safety and welfare of staff or pupils, we will consider reporting the matter to the police or taking legal action. In such cases, we may not give the complainant prior warning of that action. A complaint about a Trust or academy within the Trust, can be referred by a member of the public to the EFA.

8.0 Monitoring, Evaluation and review

8.1 The Trust Board will review this policy at least every two years and assess its implementation and effectiveness. The policy will be promoted and implemented at each Academy in the Trust. The Trustees monitor the complaints procedure, to ensure that all complaints are handled properly and will review all decisions that affect the complaints process, and make any modifications necessary to this policy. This policy is available for all parents, so that they can be properly informed about the complaints process.



Exeter Learning Academy
Trust

Complaint Form

Name of the Academy/School:	
Name and address of person making complaint:	
In person or by phone? If so inform them they will be contacted within 3 days.	
Contact numbers and email:	
Date & Time:	
If applicable - name of pupil and relationship to pupil:	
Details of the Complaint:	
Complaint recorded by:	
Who complainant wishes to speak to:	
Action already taken to resolve the complaint:	

<p>What actions do you feel will resolve the problem?</p>	
<p>Details of additional information or evidence attached:</p>	
<p>Signature and Date (email is considered to be legal signature)</p>	
<p>Office Use:</p> <p>Who complaint has been passed to:</p> <p>Date acknowledgement sent and by whom:</p>	

Please send your completed form to the Headteacher, care of the school reception or via the following email address:

Alphington Primary School – admin@alphington.devon.sch.uk

Bowhill Primary School – admin@bowhill.devon.sch.uk

Ide Primary School – admin@ide.devon.sch.uk

St Thomas Primary School – admin@st-thomas.devon.sch.uk

All paperwork will be held on file securely by the school.