

# Complaints Policy

<i>Policy/Procedure Title</i>	<i>Complaints Policy</i>
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<i>Author</i>	<i>OCC model adopted annually and updated in line with OCC updates</i>
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## **Introduction**

Directors of The Propeller Academy Trust Academy have adopted the following procedure to deal with formal complaints from members of the Academy community or general public about appropriate matters relevant to the running of the Academy. This procedure is to be used only when informal attempts to resolve problems have been unsuccessful.

Note - If the matter is about the Headteacher then the matter will be dealt with by the Chair of the Trust or Director nominated by the Chair of the Trust, as it is a Trust-level complaint. The following processes remain the same but the personnel are as per Appendix 5

## **Framework of Principles**

This procedure is designed to:

- be well-publicised and easily accessible
- be simple to understand and use
- be impartial
- be non-adversarial
- allow swift handling with established time limits for action and keeping people informed of the progress
- ensure a fair investigation by an independent person, where necessary
- allow for a hearing of a panel of Members of the individual Academy's Local Governing Body (LGB), where appropriate
- respect people's desire for confidentiality, wherever possible
- address all points of issue, provide an effective response and appropriate redress where necessary
- provide information to the Academy's Senior Management Team so that services can be improved
- comply with DfE regulations and guidance<sup>1</sup>

## **Making a Formal Complaint**

### **Stage 1**

Where informal attempts have been unsuccessful in resolving a complaint, the matter will be formally investigated by an appropriate person from the Academy. If the matter is about the day-to-day running of the Academy or the interpretation of Academy policies, by members of staff of the Academy or the actions or inactions of staff at the Academy, the matter should be investigated by the Headteacher or a member of senior staff nominated by the Headteacher. If the matter is about Academy policies as determined by the LGB or the actions or inactions of the LGB, then the matter should be dealt with by the Chair of the LGB or Member of the LGB nominated by the Chair

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<sup>1</sup> Currently *"The Education (Independent School Standards) Regulations 2010"*

A complainant wishing to instigate the formal procedure should be asked to complete a complaint form (Annex 1). The Academy should offer to help an individual to complete the form and the person providing this help should be unconnected with the complaint. It is essential to report the progress of any complaint and the final outcome. It is necessary that at each stage, the person investigating the complaint (the designated person) makes sure that they:

- establish what has happened so far, and who has been involved;
- clarify the nature of the complaint and what remains unresolved;
- meet with the complainant or contact them (if unsure or further information is necessary);
- clarify what the complainant feels would put things right;
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conduct the interview with an open mind and be prepared to persist in the questioning;
- keep notes of the interview.

### **Resolving the Complaint**

At each stage in the procedure, Academies will want to keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to recommend the Trust to review Academy policies in light of the complaint.

It would be useful if complainants were encouraged to state what actions they feel might resolve the problem at any stage. An admission that the Academy could have handled the situation better is not the same as an admission of negligence. Equally, an effective procedure will identify areas of agreement between the parties. It is also of importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

If the Academy rejects the complaint, it is important to re-assure the complainant that the matter has been thoroughly investigated.

## **Stage 2**

Where the complainant is still not satisfied that their complaint has been dealt with fully and properly, they may choose to take it to a second stage. This stage will be referred to a panel of Members of the LGB and other independent Members as may be required by DfE regulations established as outlined in Annex 2.

The Chair of the Panel will be elected by the Panel members and will be responsible for maintaining a further procedure as outlined in Annex 3.

## **Timescale**

Complaints need to be considered and resolved, as quickly and efficiently as possible. An effective complaints procedure must have realistic time limits for each action within each stage. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

## **Mediation**

If, at any time, throughout the procedure from informal to the final decision of the Panel, the Academy feels that external mediation would help resolve the complaint, they can access ACAS or Independent Mediation agreeable by both parties.

## **Monitoring Complaints**

As well as addressing an individual's complaint, the process of listening to and resolving complaints would contribute to Academy improvements. When individual complaints are heard, Academies may identify issues that need to be addressed. The monitoring and review of complaints can be useful in evaluating the Academy's and Trust's performance. Any discussion of complaints by the LGB, Trust or others in the Academy community should not name or be able to identify individuals.

ANNEX 1



The Propeller Academy Trust Academy

**Complaint Form**

**Please complete and return to the Clerk of the Academy's Local Governing Body who will acknowledge receipt and explain what action will be taken.**

Your Name

Address

Postcode

Daytime telephone number

Evening Telephone number

Name of the Academy

If applicable, name of the child(ren) at Academy:

Please give details of your complaint:

What action, if any, have you already taken to try and resolve your complaint? ( who did you speak to and what was the response?)

Your relationship to the Academy, e.g. parent, carer, neighbour, member of the public:

What actions do you feel might resolve the problem at this stage?

Are you attaching any paperwork? If so, please give details>

Signature

Date

-----Official use:

Date of acknowledgment sent:

By Whom:

Complaint referred to:

Date:

## ANNEX 2



### The Propeller Academy Trust Academy

## Summary of the Procedure

### Two stages: Informal and Formal

#### Informal

- Parents encouraged to contact the individual Academy as soon as a problem arises so that difficulties can be resolved through informal discussion with the Headteacher and other Academy staff.
- Outcome:
  - Complainant satisfied?
  - Complainant expresses wish to invoke Stage 2.

#### Formal

##### **Stage 1**

- Head gives the complainant the name and address of the Clerk to the LGB together with a copy of the complaints procedure and the form.
- Complaint must be written down and given to the Clerk. If a parent has difficulty in writing they will be offered the opportunity to give the complain orally and for someone at Academy to produce a written version with which the complainant can agree.
- Form received by Academy. Is the complaint about areas of :
  - Headteacher's responsibility;
  - Governors' responsibility?
- Chair of LGB or Headteacher or Designated person carries out investigation and seeks resolution and meets or speaks to complainant within 10 working days of Academy receiving form.
- Mediation can take place at any stage of the procedure and within 10 working days if appropriate.
- Is complainant satisfied with the informal resolution? If the complainant is not satisfied then they may choose to take it to Stage 2

##### **Stage 2**

- Complaint form passed to Clerk of the LGBs within 5 working days of complainant expressing wish to go to Stage 2.
- Clerk sets up Panel of Members of the LGB and independent member(s) and contacts complainant with details of hearing and request for any further information. The panel meets and makes decisions within 15 working days of Clerk receiving form.

General complaints about the Trust's services should be directed to the Chief Operations Officer, Fitzwarren School, Denchworth Road, Wantage, Oxon OX12 9ET.

## ANNEX 3A



### The Propeller Academy Trust Academy

#### Establishing a complaints panel

- The LGB should agree the composition of the complaints appeals panel at the first meeting of the LGB each year.
- As Members of the LGB may not be available at all times it may be wise to agree the names of several possible members from whom a panel of three may be drawn.
- When the clerk of the LGB receives a copy of the complaint form he/she will inform LGB that a complaint has been received and that it has been passed to the panel to deal with. No further information about the complaint should be shared with other Members.

#### IF FOR ANY REASON THIS PROCEDURE CANNOT BE FOLLOWED:

The LGB in consultation with the Trust will put in place an alternative fair process.

There are several points which any person sitting on a complaints panel needs to remember:

- a. It is important that the appeal hearing is independent and impartial and that it is seen to be so. No person may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, Members need to try and ensure that it is balanced.
- b. The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the Academy and the complainant
- c. The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.
- d. Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child is accompanied and does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults.
- e. The people sitting on the panel need to be aware of the complaints procedure.



## ANNEX 3B



### The Propeller Academy Trust Academy

#### The Remit of The Complaints Appeal Panel

The panel needs to firstly consider whether the appeal is

- in relation to a decision taken by the headteacher or a member of the Academy staff or
- whether it is about the way in which a complaint or concern was handled.

If the complaint was in relation to a decision taken by the head, the panel will need to clarify whether it was

- A. a decision within the head teacher's professional responsibility or
- B. it is an area where the LGB has responsibility, or share responsibility but has delegated this to the headteacher.

If the complaint relates to (A)

- The panel can consider the manner in which the complaint was addressed but not consider an alternative outcome.
- It may recommend changes to the Academy's systems or procedures to ensure that problems of a similar nature do not recur.

If the complaint relates to (B)

The panel can:

- 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 recur.

## ANNEX 3C



### The Propeller Academy Trust Academy

#### Checklist for a Panel Hearing

The panel needs to take the following points into account:

- The hearing is as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The headteacher or designated person may question both the complainant and the witnesses after each has spoken.
- The headteacher or designated person is then invited to explain the Academy's actions and be followed by the Academy's witnesses.
- The complainant may question both the headteacher or designated person and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The headteacher or designated person is then invited to sum up the Academy's actions and response to the complaint.
- Both parties leave together while the panel decides on the issues.
- The chair explains that both parties will hear from the panel within five working days.

## APPENDIX 4



### The Propeller Academy Trust Academy

#### Mediation Service

The Academy Development Service offers a mediation service whereby it seeks to use the 'good offices' of the LEA to broker a resolution to complaints arising between academies and parents or members of the public. Recourse to mediation must be with the agreement of both parties and is intended to help arrive at a mutually agreeable solution – it is not possible to impose this on either party. Nor does it prevent a complainant having recourse to formal appeals procedures as detailed in paragraphs 6, 7 and 8.

The mediation 'package' consists of the following elements:

- familiarisation with the background and nature of the complaint (including the reading of supporting documentation and interviews with the complainant, staff and governors as appropriate. These may be 'face to face' or by telephone);
- a mediation meeting between the complainant and a representative of the Academy;
- a written summary of the mediation meeting including, where appropriate, recommendations in relation to Academy policies, procedures and actions.

Mediation will be undertaken by an adviser not directly linked to the Academy in order to ensure complete impartiality. This service can be accessed on a consultancy basis.

To access the mediation service contact Chief Operations Officer on [coo@propellertrust.org](mailto:coo@propellertrust.org)

## APPENDIX 5



### The Propeller Academy Trust Academy

Where a complaint is dealt with at Trust-level, the same procedures will be followed but the personnel involved are shown in the table below:

<b>Complaint-level</b>	<b>Academy</b>	<b>Trust</b>
Stage 1 contact	Clerk of Local Governing Body	Chief Operations Officer
Lead manager	Chair of Local Governing Body	Chair of the Trust
Panel members	Members of the Local Governing Body	Directors of the Trust

