



# COMPLAINTS POLICY FOR THE SHARED LEARNING TRUST

<b>Policy Title</b>	Complaints Policy	<b>Department Responsible:</b>	Trust Leadership
<b>Version</b>	V7 – 1 September 2020 V8 – 6 October 2021 V9 – 1 September 2022 V10 – 4 September 2023	<b>Review Date:</b>	September 2024

## Complaints Policy

### 1. Scope

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

1.2 For complaints against Trustees and Governors, please inform the Clerk to the Board of Trustees who will supply the Trustees and Governors Complaints Procedure.

### 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 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, 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 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.

On receipt of a complaint, it will be acknowledged and the issues raised will be addressed.

## 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, TSLT expects that you will 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 issue should normally be referred verbally to the member of staff concerned, so that they may be allowed an opportunity to address it, as in many instances, problems 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 leader of the academy. Any complaint made directly to the academy leader will normally be referred to the relevant manager initially.

Every effort will be made to find a satisfactory resolution, usually within 15 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 are 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 academy leader. The academy leader will decide, after considering the complaint, the appropriate course of action to take. If the complaint is about the academy leader, the written complaint will be re-directed to the relevant Executive Principal and Chief Executive Officer.

In most cases the academy leader 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 academy leader may need to carry out further investigations. A written record of all meetings and interviews held in relation to the complaint will be kept. Once the academy leader 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 academy leader will also give reasons for the decision.

The academy leaders will inform the complainant of the outcome of an investigation and the resolution to the complaint within 28 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 outcome, they may request a formal panel hearing (Stage 3) which will be set up by the Clerk to the Board of Trustees.

### **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 Clerk to the Board of Trustees within five 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 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 and academy leader. After evaluating the evidence, the panel will either uphold or dismiss the complaint.

The complaints panel will comprise three persons, likely to be Trustees and Cluster Board Committee members who are independent of the management and running of the academy. 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 come to an immediate decision, 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 within 10 school days of the hearing. The panel will notify parent's or carers in writing by email or otherwise of its findings, confirming the reasons for the decision and any recommendations. The decision of the panel will be final. The panel's findings and recommendations (if any), will be also be sent in writing to the academy leader, the chair of board of trustees 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 trustees.

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

## 7. Record Keeping

7.1 TSLT shall maintain a record of all correspondence, conversations and meetings concerning your complaint, including action taken by the school as a result of the complaint (regardless of whether it is upheld). These records shall be held confidentially in the academy and shall be kept apart from pupil records. Except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them. 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 complaint we will assume that you are satisfied and do not require us to take further action.

## 8. Roles and Responsibilities

8.1 The Board of Trustees is 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 academy leader 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 leader.

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 Shared 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 number 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 academy leader 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. Next Steps

10.1 If the complainant believes the Academy did not handle their complaint in accordance with the published Complaints Procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after they have completed Stage 3.

10.2 The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by the Academy; they will consider whether the Academy has adhered to education legislation and any statutory policies connected with the complaint.

10.3 The complainant can refer their complaint to the Department for Education online at: [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus) by telephone on: 0370 000 2288 or by writing to: Department for Education Piccadilly Gate Store Street Manchester M1 2WD

## 11. Monitoring and Review

11.1 This policy will be reviewed annually.

11.2 Its outcomes will be assessed and reviewed by the board of trustees.

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

## **12. Dissemination**

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

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