

<b>The Cam Academy Trust COMPLAINTS POLICY AND PROCEDURES</b>	
<b>This policy relates to complaints from Parents and the general public</b>	
<b>Approved in consultation with the Audit &amp; Risk Committee on behalf of the Trust Board</b>	<b>20/06/2019</b>
<b>Reviewed with changes</b>	<b>June 2016/September 2017/June 2021</b>
<b>Date of next review:</b>	<b>Every two years or as appropriate - 06/2023</b>
<b>Responsible Officer:</b>	<b>Director of Education – P. Lawrence</b>
<b>Category – 1</b>	<b>Version – 5</b>

## 1. Introduction

1.1 The trustees of The Cam Academy Trust are committed to ensuring that the highest standards are maintained at academies within the Trust both in the provision of education to pupils and in every other aspect of their running.

1.2 A complaints procedure is an important part of the management of all well-run schools allowing parents and others the opportunity to voice any complaints they may have through appropriate channels. This policy explains the procedure which has been adopted by the Trust to ensure a systematic and fair approach to the resolution of such complaints.

## 2. Scope

2.1 A complaint is an expression of dissatisfaction made about the standard of service, actions or lack of actions made by the Trust, an academy within it, or its staff, that requires a response. Complaints can be made by parents, pupils or other external stakeholders. The Trust would normally expect that complaints from pupils will be made through a parent.

2.2 This policy does not cover staff complaints, which are dealt with through other policies and procedures, including staff grievance and whistleblowing policies.

2.3 This policy does not include dealing with allegations of abuse made against staff, procedures for which are covered in the Trust's statement of procedures for dealing with allegations against staff.

2.4 This policy does not deal with complaints about decisions about admissions or exclusions, which are covered in individual school admissions and behaviour policies respectively.

2.5 This policy does not deal with complaints about the contents of Education Health and Care plans which should be referred to the local authority.

2.6 Anonymous complaints will not be routinely investigated. The Principal/Headteacher or Chair of Governors, as relevant, may determine whether such complaints warrant investigation.

## 3. Principles and objectives

3.1 To be effective our complaints procedure will:

- a) encourage resolution of problems by informal means wherever possible
- b) be easily accessible and publicised
- c) be simple to understand and use
- d) be impartial
- e) be non-adversarial
- f) allow swift handling with established time-limits for action and keeping people informed of progress
- g) ensure a full and fair investigation, involving an independent person where necessary
- h) respect people's desire for confidentiality
- i) address all the points at issue and provide an effective response
- j) provide information to help school and Trust leaders improve practice.

3.2 A complaint may result in disciplinary action by a school against a member of staff and this would be confidential between that member of staff and the school, but otherwise parents will be kept 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.

3.3 Complaints are considered, and resolved, as quickly and efficiently as possible. Time limits are outlined in this policy for stakeholders making complaints, and the school has the right not to consider complaints made outside of these. The Cam Academy Trust sets realistic time limits for its own actions within each stage as set out in this policy. However, where further investigations are necessary, new time limits may need to be set and the complainant sent details of the new deadline and an explanation for the delay.

3.4 Local governing bodies will monitor the level and nature of complaints made under the auspices of this policy. The Trust is committed to on-going improvement in all its academies. Therefore, as well as addressing an individual's complaints, the process of listening to and resolving complaints will contribute to school improvement. When individual complaints are heard, we will identify any underlying issues that need to be addressed. The monitoring and review of complaints by the school, local governing bodies and the Trust helps us in evaluating our performance.

3.5 Wherever possible, complaints information shared with the wider local governing body outside of the consideration of the complaint itself will not name individuals.

3.6 If a complaint has been closed, and a duplicate complaint is received the school or Trust will inform the new complainant that the school has already considered that complaint and the local process is complete. In any circumstances where multiple complaints about the same issue have been co-ordinated at any stage of the complaints process the Trust reserves the right to undertake a single investigation and publish a single response through the school or Trust website.

#### **4. Stages**

4.1 Complaints will be dealt with in three stages, as described below. Unless the school considers there are exceptional circumstances, these stages must all be completed sequentially until a resolution is reached.

- a) **Stage 1** discussion. This stage starts when a concern has been raised, and a stakeholder is not satisfied with the response provided. Such issues should be raised, in the first instance, with those most closely involved and their immediate managers; this gives the best chance for a quick resolution. See section 7 for full details.

- b) **Stage 2** written complaint. Where a complaint cannot be resolved through Stage 1 discussions, the details should be put in writing by the complainant to the Principal/Headteacher, and an investigation carried out by the school. See section 8 for full details.
- c) **Stage 3** panel hearing. Where a complainant has a substantial disagreement with the outcome of the Stage 2 complaint, they may appeal to a panel hearing that will include an independent person. The panel's decision is final. See section 9 for full details.

## 5. Addressing Concerns

- 5.1 This policy draws a clear distinction between a concern and a complaint. A concern is an expression of worry or doubt over an issue for which reassurance is sought. Taking informal concerns seriously at the earliest stage reduces the numbers that develop into formal complaints. The Trust aims to ensure that concerns are handled, if at all possible, without the need for formal procedures.
- 5.2 Our formal complaints procedure is only necessary if efforts to resolve the concern informally are unsuccessful. In most cases, a class teacher or an individual delivering the service, will receive the first approach about a concern. Our staff development process includes training to help staff resolve issues on the spot, including apologising where necessary.
- 5.3 It is entirely plausible that concerns can be addressed by the member of staff who is most directly involved with the concern raised, and other members of staff do not need to be involved. For example, if a parent has concerns about the nature of homework being set by a teacher, it is entirely possible that the concern can be resolved through communication with that teacher.
- 5.4 Our formal procedures are invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied with the response provided and wishes to take the matter further.

## 6. Outcomes and resolutions

- 6.1 At each stage in the procedure, we will remain mindful of 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:
  - a) an apology
  - b) an explanation
  - c) an admission that the situation could have been handled differently or better
  - d) an assurance that every effort will be made to ensure that the event complained of will not recur
  - e) an explanation of the steps that have been taken to ensure that it will not happen again
  - f) an undertaking to review school policies in light of the complaint.
- 6.2 We encourage complainants at any stage to state what actions they feel might resolve the problem. An admission that a school could have handled the situation better is not the same as an admission of negligence.

6.3 At all times we will seek to identify areas of agreement between the parties and clarify any misunderstandings that might have occurred because this can create a positive atmosphere in which to discuss any outstanding issues.

## **7. Stage 1 Complaints**

7.1 Stage 1 of the complaints procedure will be instigated when initial, informal attempts to resolve a concern have been unsuccessful and the person raising the concern is dissatisfied with the response they have received.

7.2 Any complaint must be raised within three months of the circumstances which led to the complaint. An extension to this will only be considered where the school deems there to be exceptional circumstances.

7.3 Stage 1 complaints can be made in writing (including by email), by telephone or in person.

7.4 They can be made to any relevant member of staff including a class teacher, form teacher, pastoral leader or subject leader. They may also be made directly to senior leaders in the school.

7.5 Once contacted, staff should ensure they make brief, contemporaneous notes about the details of the complaint.

7.6 Complaints will be acknowledged within two school days of receipt. Stage 1 complaints should be resolved within 15 school days of receipt.

7.7 Stage 1 complaints will require the involvement of a member of staff other than that most directly involved in the complaint, and this will usually be somebody with a natural line management responsibility for that member of staff. If the complaint is about the decisions or actions of the Principal/Headteacher they are likely to ask another member of the school's senior staff to coordinate the response.

7.8 Schools should ensure that they have systems in place to record and monitor concerns which have escalated into Stage 1 complaints, either by asking staff to log them with the Principal/Headteacher or a nominated person. The log will show whether they have been resolved, and record any actions taken.

7.9 It is good practice for the complainant to be contacted after a short period to understand how they feel about the issue and how it has been handled, and to discuss any further steps which might be required.

7.10 It is intended that most parents' complaints can be appropriately resolved by discussion with relevant school staff in this way.

## **8. Stage 2 Complaints**

8.1 Where Stage 1 procedures have failed to reach an agreed resolution, the complainant may make a complaint in writing to the Principal/Headteacher using the complaint form (Appendix A).

8.2 This should be made within 10 school days of the conclusion of the Stage 1 process, although the school may choose to extend this in exceptional circumstances.

8.3 On receipt of a formal written complaint, the Principal/Headteacher will acknowledge receipt and arrange a formal investigation of the complaint by a senior member of school or Trust staff not previously involved in the complaint.

8.4 If the Principal/Headteacher considers that the complaint is complex, for example, if it contains many different elements, or may have a legal dimension, s/he will refer it to the Trust's Chief Executive Officer for support.

8.5 The designated member of staff will investigate the circumstances of the complaint and may find it appropriate to ask for written statements from staff or pupils and to call for any relevant documentation.

8.6 If the complaint is against a member of staff, that member of staff has a right to be given sufficient details about the complaint to enable them to have the opportunity to make representation about it. The person investigating the incident will take any such response into account.

8.7 If a complaint concerns the conduct of the Principal/Headteacher or a governor, or where they have been involved in the issue previously, then the matter will be referred to be coordinated by a member of the Trust executive, or member of the local governing body, not previously involved. In some circumstances, the school reserves the right to refer the matter to an external body or expert individual.

8.8 A formal written response setting out the complaint, the findings of the investigation, and any appropriate steps to resolve the complaint will be sent to the complainant by Principal/Headteacher within 15 school days of the receipt of the fully completed complaint form.

8.9 The response will also detail the complainant's ability to request a panel hearing should they remain dissatisfied.

8.10 If the complainant wishes to withdraw their complaint once it has reached, or gone beyond, Stage 2, they will be asked to confirm this in writing.

## **9. Stage 3 – Panel hearing**

9.1 Where Stage 2 procedures have failed to reach an agreed resolution, the complainant may make a complaint in writing to the Clerk of the local governing body within 10 school days of the notification of the outcome of Stage 2.

9.2 They are encouraged to use the complaints form (Appendix A) to do this. They should not restate the details of the original complaint, as the school will already have this information. They should use the form to explain:

- a) reason(s) for their dissatisfaction with the outcome of the Stage 2 complaint
- b) any suggested further steps to resolve the complaint.

9.3 When the Clerk receives a formal request for the local governing body to consider a complaint, the Clerk will refer the matter in the first instance to the Chair of governors or another nominated governor.

9.4 The Clerk of the local governing body will inform the Chair and CEO of the Trust.

9.5 The governing body will acknowledge receipt of the request within 2 school days and convene a panel hearing within 20 school days.

9.6 The panel will consist of at least three people who were not directly involved in, and who do not have any prior knowledge of, the matters detailed in the complaint. This will usually include one member of the

local governing body and one member of the Trust board. If there is no governor on the local governing body who is not involved with, or who does not have prior knowledge of, the complaint, a governor from another Trust school or an additional Trustee can be a member of the panel. The panel will also include one panel member who is independent of the management and running of the Trust. The Trust will maintain a pool of people, one of who will be invited to sit on the said panel.

9.7 A complainant who is a parent may attend and be accompanied for support at the panel hearing if they wish. As this is not a legal hearing, legal representatives may not attend. Any member of staff providing evidence to the panel in person may also be accompanied, for example by a colleague or representative of their trade union. Any pupil invited to attend for whatever reason can only do so with the written permission of a parent and it would be expected that they would be accompanied for support.

9.8 The governing body will propose potential times and dates for the hearing, giving at least 5 school days' notice. If the complainant rejects the offer of three proposed dates without good reason the Clerk will decide when to hold the meeting and it will proceed in the complainant's absence on the basis of written submissions from both parties.

9.9 Any written material will be circulated to all parties at least five days before the meeting, provided it does not breach confidentiality or individual privacy under the Data Protection Act 2018 or GDPR. Details will be given of the names of the panel members and any witnesses.

9.10 The panel will not normally accept as evidence recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded. The meeting will be held in private. Electronic recordings of meetings and conversations are not permitted, unless the complainant's own disability or special needs require this as reasonable adjustment. Prior consent of all parties must be gained before the meeting takes place and this consent must be recorded in the minutes of the meeting.

9.11 In the case of a complaint from a stakeholder other than a parent the governors' complaints panel will advise on whether they consider it appropriate for the complainant (and Principal/Headteacher and Chair of Governors) to attend the meeting of the panel depending on the circumstances of the complaint.

9.12 Prior to the hearing the panel will agree amongst themselves who will act as the Chair of the panel.

9.13 The panel will consider the complaint and any evidence it considers relevant and report its findings and recommendations. Within 10 school days of the panel hearing, a copy of those findings and recommendations will be provided to the complainant, the Principal/Headteacher and Chair of the local governing body of the school, the CEO and Chair of the Trust and, where relevant, the person complained about. Correspondence, statements and records relating to individual complaints will be retained as confidential documents.

9.14 The report of the panel hearing is final, and no appeal is possible on the substance of the complaint.

9.15 The procedure for the hearing is outlined in Appendix B.

## **10. Complaints to the Secretary of State for Education**

10.1 If a complainant has been through Stages 1 to 3 and is still dissatisfied with the process they have the right to bring the complaint to the Secretary of State for Education. These complaints are considered on their behalf by the Education and Skills Funding Agency (ESFA).

10.2 Where a complaint is made to the ESFA, they will check whether the complaint has been dealt with properly by the Trust. They will only consider complaints about academies that fall into any of the following three areas:

- a) where there is undue delay, or the academy did not comply with its own complaints procedure when considering a complaint
- b) where the academy is in breach of its funding agreement with the Secretary of State
- c) where an academy has failed to comply with any other legal obligation.

10.3 The ESFA will not overturn an academy's decision about a complaint. However, if the ESFA finds an academy did not deal with a complaint properly they will request the complaint is looked at again and procedures meet the requirements set out in the Education (Independent School Standards (England)) Regulations 2014.

10.4 If the academy's complaints procedure does not meet the Regulations, they will ask the academy to put this right. The ESFA may seek to enforce the decision under the terms of the academy's funding agreement on behalf of the Secretary of State, if appropriate.

## **11. Dealing with persistent and/or vexatious complaints**

11.1 The Trust seeks positive and constructive partnerships with all parents and other stakeholders. Even when a complaint has been made, there should be an expectation that both the complainant and the school will demonstrate the levels of courtesy and reasonableness that should characterise all communication between the school and its stakeholders.

11.2 However, there may be occasions when complainants behave in an unreasonable manner when raising and/or pursuing complaints. In these circumstances the school may take action in accordance with this policy.

11.3 The expectations that a complainant should have of a school or the Trust are clearly set out in this policy above.

11.4 The school and Trust expects stakeholders who wish to pursue complaints against the school to:

- a) treat all school staff with courtesy and respect
- b) respect the needs and well-being of pupils and staff in the school

- c) avoid any use, or threatened use, of violence to people or property
- d) avoid any aggression or verbal abuse
- e) recognise the time constraints under which members of staff in schools work and allow the school a reasonable time to respond
- f) recognise that resolving a specific problem can sometimes take some time
- g) avoid discussion of issues pertinent to the complaint publicly on social media
- h) avoid contacting members of staff about the complaint other than those identified individuals who are directly handling the complaint
- i) follow this complaints procedure.

11.5 For the purpose of this policy, a persistent and/or vexatious complainant is a stakeholder who communicates about an ongoing complaint with unreasonable frequency and or in an unreasonable manner, or who continues to complain about an issue for which the complaints process has been exhausted and the complaint closed. Such behaviour may be particularly characterised by:

- a) actions which are obsessive, persistent, harassing, prolific, repetitious
- b) prolific correspondence or excessive e-mail or telephone contact about a complaint
- c) an insistence upon pursuing unsubstantiated complaints and/or unrealistic or unreasonable outcomes
- d) an insistence upon pursuing complaints in an unreasonable manner.

11.6 The Principal/Headteacher will inform the complainant in writing that his/her behaviour is considered to be becoming unreasonable/unacceptable and, if it is not modified, action may be taken in accordance with this policy.

11.7 If the behaviour is not modified the school will inform the complainant in writing that all communication must take place through a clearly defined communication method. This could be a specific email address, for example, or telephone calls made at specified times of the day to an identified member of staff. Any communications outside of this will be ignored.

11.8 The Principal/Headteacher may consider using their rights to limit or deny a complainant access to the school site.

11.9 If a complainant attempts to reopen an issue or a closely related issue that has already been dealt with under this complaints procedure, the Chair of the Trust may write to the complainant to inform him/her that the procedure has been exhausted and the matter closed, that continued correspondence is vexatious and that the Trust will not respond to any further correspondence on this issue or a closely related issue.



**APPENDIX A: FORM FOR STAGE TWO and THREE COMPLAINTS**

Please complete and return to the Principal/Headteacher (for Stage 2 complaints) and Clerk to the Local Governing Body (for Stage 3 complaints) of the academy in question who will ensure receipt is acknowledged.

<b>Name</b>	<b>Academy</b>
<b>Pupil's Name (if relevant)</b>	<b>Your relationship to pupil (if relevant)</b>
<b>Address</b>	<b>Postcode</b>
<b>Daytime telephone:</b>	<b>Evening telephone:</b>
<b>Please give details of your complaint:</b>	
<b>What action, if any, have you already taken to try and resolve your complaint?</b>	
<b>(Who did you speak to and what was the response)?</b>	
<b>What actions do you feel might resolve the problem at this point?</b>	
<b>Are you attaching any paperwork? If so, please give details.</b>	

<b>Signature:</b>	<b>Date:</b>
<b>For Academy Use</b>	
<b>Acknowledged by:</b>	<b>Date acknowledgement sent:</b>
<b>Response coordinated by:</b>	<b>Date:</b>

**APPENDIX B:**

**CHECKLIST FOR A STAGE 3 PANEL HEARING**

**The governors' complaints 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 Principal/Headteacher may question both the complainant and the witnesses after each has spoken.
- The Principal/Headteacher is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the Principal/Headteacher 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 Principal/Headteacher is then invited to sum up the school's actions and response to the complaint.
- The Chair explains that both parties will hear from the panel within a set time scale.
- Both parties leave together while the panel decides on the issues.

**If written evidence only is to be considered.**

**The governors' complaints panel needs to take the following points into account:**

- The Chair of the complaints committee will give a review of the complaint received

- Evidence provided by the complainant will be considered.
- The school's actions and response to the complaint will also be reviewed and considered.
- A conclusion and course of action will be agreed.
- Both parties will be advised in writing within a previously agreed time scale.