



**Complaints Procedure 2018**

## Introduction

The Enquire Learning Trust Academies are committed to developing a strong partnership with pupils, parents/carers and other stakeholders. This provides a good basis for mutual understanding and for preventing and resolving complaints.

If parents or stakeholders do have a complaint about any aspect of the Trust or one of its academies please refer to this guidance which will help us to respond in an effective and timely way.

We hope that the adoption of a clear complaints procedure will help to ensure that most complaints are resolved quickly and smoothly and as close to the source of the misunderstanding or problem as possible. In this way complainants can feel assured from the outset of a fair hearing, in line with a defined procedure for dealing with issues that have not immediately been resolved. We also hope that a staged framework might prevent an early and unnecessary escalation of the problem.

## Scope

A complaint is an expression of dissatisfaction, however made, about the standard of service, actions or lack of actions by the Academy or its staff that affects an individual or a group and requires a response from the Academy. This procedure deals with such complaints if made by a pupil a parent or other external stakeholder. There are separate appeals procedures for a parent dissatisfied with a decision regarding either the admission or the exclusion of their child.

There are also separate procedures to deal with a complaint raised by or on behalf of a member of staff. These include the Grievance Procedure for a complaint by an employee of unfair treatment, the Harassment Procedure for an employee complaining of bullying or intimidation, the Disciplinary Procedure for an employee complaining about the conduct of another member of staff and the Whistle Blowing Procedure for an unresolved allegation of institutional malpractice. Copies of these documents are available from each Academy Principal or directly from the Trust.

## Principles

We believe that most complaints can be resolved satisfactorily by informal discussion or through a meeting involving the key people involved. Informal queries and complaints should be taken up directly with the relevant member of staff either verbally or in writing. Formal complaints should be addressed to the Principal of the relevant academy in writing.

All complaints will be dealt with as quickly and efficiently as possible. The length of the period will vary with the gravity and complexity of the complaint and the urgency with which it needs to be settled. However, the intention is that all complaints should be settled within a period which is reasonable in the circumstances.

All formal complaints will be investigated fully, fairly and carefully and complainants will be kept informed of progress. The aim is always to secure the resolution of the complaint to the satisfaction of the complainant if possible.

## Representation

The complainant may be accompanied by a friend, colleague or other representative. In this case, the complainant should make their own arrangements for such representation. The representative may ask questions, confer with the complainant and make summary statements but may not answer questions on behalf of the complainant.

## Recording

The Trust/

Principal will acknowledge receipt of a formal, written complaint within three working days. The complaint will be recorded, together with the outcome and reasons for the outcome. The complainant will be informed of the outcome in writing, together with their entitlement to appeal the outcome. Copies of the findings and recommendations are available for inspection on the

Academy site by the proprietor and Principal. Where the complaint is upheld, any action to be taken by the Academy in response will also be recorded.

## Stages of complaint

### Stage one: informal complaint

Informal complaints or concerns should be raised with the relevant member of staff. Where an informal complaint is raised with the Principal, it will normally be passed to the most appropriate member of staff to deal with it informally. If the complainant indicates that they would have difficulty discussing the complaint with this member of staff, the Principal may direct them to another member of staff. Similarly, if the most appropriate member of staff feels they would have difficulty in dealing with the complaint objectively, the Principal may direct the complainant to another member of staff. If the complaint is in relation to the Principal, it must be put in writing to the Chair of the Academy Improvement Committee.

In certain circumstances, the Principal may instead choose to deal with the complaint informally in person, or the relevant member of staff may ask the Principal to deal with it informally in person.

If the complaint has been made in writing, the Principal may choose to treat it as a formal complaint and invoke the formal procedure.

If the complaint has been made to the Chair of the Academy Improvement Committee in the first instance, he or she will refer the complaint to the Principal. However, if the complaint concerns the Principal and has already been taken up with the Principal without being resolved, the complaint must be made in writing to the Chair. The Chair will then invoke the formal procedure.

The member of staff to whom the complainant is referred will carry out an investigation and decide on any appropriate action. The complainant and the Principal will be informed of the conclusions drawn from the investigation and action to be taken, together with details of how to make a formal complaint if they remain dissatisfied.

Every effort will be made to resolve the problem to the satisfaction of the complainant at this informal stage. Possible outcomes include:

- complaint resolved to the satisfaction of the complainant
- complaint not resolved to the satisfaction of the complainant
- complaint dealt with under another procedure

The academy/Trust will use its best endeavours to resolve any informal complaints within ten (10) working days of them being raised, except where they are raised in Trust holidays or within two (2) working days of their commencement, where the Trust will use its reasonable endeavours to resolve them as soon as possible after commencement of the new term (usually within ten (10) working days).

### Stage two: formal complaints

If the informal complaint leaves a problem unresolved then the formal process may be used. The Principal will ensure the complaint is investigated fully. The Principal may delegate responsibility for conducting the investigation to another member of staff.

A formal complaint should be made in writing and addressed to the academy Principal. This complaint will be shared with the Trust.

Where the complaint concerns the Principal, the Principal will inform the complainant in writing that they should send a detailed account of the complaint to the Chair of the Academy Improvement Committee, who will then take the place of the Principal throughout the formal procedure. Alternatively the Chair of the Academy Improvement Committee may appoint an impartial third party to act on his/her behalf.

Once the investigation has been completed, the Principal will review all the information and discuss the findings with the complainant with the aim of reaching a resolution.

The Principal will decide on the outcome and inform the complainant in writing of the decision, together with details of how to appeal against the decision if they remain dissatisfied. A meeting may also be arranged to convey the reasons for the decision.

Rarely, the decision may involve taking disciplinary action against an individual, for which there is a separate procedure. In this event, the complainant will be informed that the complaint will be pursued through disciplinary action. The Trust's disciplinary procedures require that all details of proceedings remain confidential, and consequently the complainant will not be informed of the outcome.

Possible outcomes include:

- complaint withdrawn
- complaint dismissed
- complaint dealt with under another procedure
- complaint upheld

We will aim to complete this stage within 20 working days. In the event that we are not able to meet this timescale the Principal will contact the complainant to explain the reason for the delay and establish a revised date for concluding the process.

### **Stage three: appeals**

If the complainant remains dissatisfied, they should write to the Chair of the Academy Improvement Committee setting down the causes of dissatisfaction. The Chair may be able to resolve the complaint informally, with the result that the complainant withdraws their appeal. If this is not possible, the Chair will convene an appeal hearing by an Appeals Committee.

The appeal will be heard by an Appeal Committee comprising of at least three people not directly involved in the matters detailed in the complaint, one of whom must be independent of the management and running of the Academy.

The Appeal Committee will decide whether or not the outcome of the formal procedure was correct. Accordingly, the respondent will be the person who made that decision; that is, either the Principal or the Chair.

The Appeal Committee Chair will ensure that:

- the remit of the Committee is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- members of the Committee are objective and open minded, and act independently;
- the complainant and any others who may not be used to speaking at such a hearing are put at ease;
- the hearing is conducted in an informal though clearly structured manner with each party treating the other with respect and courtesy;
- each side is given the opportunity to state their case and to ask questions;

- any written material is seen by all parties. If a new issue arises all parties should be given the opportunity to consider and comment on it;
- any witnesses are only required to attend for the part of the hearing in which they give their evidence;
- the issues are addressed;
- key findings of fact are made.

The hearing should generally proceed as follows:

- introductions and introductory comments from the Committee Chair;
- the complainant explains the complaint, followed by questions;
- any witnesses to support the complaint give evidence and are questioned;
- the respondent explains the outcome of the formal procedure, and briefly describes the preceding informal procedure if applicable, followed by questions;
- any witnesses to support the respondent give evidence and are questioned;
- the complainant sums up;
- the respondent sums up;
- with the exception of the Committee members and any independent adviser they may have, all persons withdraw while the Committee reviews the evidence and decides the outcome;
- the complainant and the respondent are informed of the decision. Following the hearing the Appeals Committee may:
  - dismiss the complaint in whole or in part;
  - uphold the complaint in whole or in part;
  - decide on any further action to be taken;
  - If appropriate, recommend changes to the Academy's systems or procedures to ensure that problems of a similar nature do not recur.

The complainant will be informed in writing within five days of the outcome of the hearing and the reasons for it, and that the decision is final.

### **Vexatious or Repeated Complaints**

There may be occasions when, despite a complaint being considered under all stages in this Complaints Policy, the Complainant persists in making the same complaint to the Academy. There may also be occasions when a Complainant raises unreasonable persistent complaints or raises complaints about matters which do not affect them. There may also be occasions when a complaint is made about a matter which is clearly so trivial that it would be a waste of the Academy's resources to deal with it under the formal stages of the procedure.

In all of these cases, the Academy reserves the right to regard the complaint as vexatious and/or repeated and to refuse to investigate it under the procedure in this Complaints Policy, if it appears reasonable and fair to do so, having regard to the circumstances surrounding the complaint.

Where the Academy decides that a complaint is vexatious and/or repeated and will not be investigated, the Academy will write to the Complainant within 5 working days of the complaint being raised to notify them of the decision.

If the Complainant is unhappy with the decision not to investigate a vexatious and/or repeated complaint, they may write to the Trust to ask for the decision to be reviewed. The Trust will be provided with all documentation relating to the current complaint and any previous complaints which were relevant to the decision, together with the letter from the Academy to the Complainant, and will review the decision not to investigate the complaint. The Trust will not investigate the complaint itself during this review.

The Trust will write to the Complainant with the outcome of the review within 20 working days of the date that the letter from the Complainant seeking the review was received.

If the Trust quashes the decision not to investigate the concern or complaint, it will be referred to the Academy to be dealt with under the procedure in this Complaints Policy in the usual way.

If the Trust upholds the decision not to investigate the concern or complaint, the Complainant may refer the concern or complaint to the Education Funding Agency using the procedure stated towards the end of this Complaints Policy.

In exceptional circumstances, the Trust can delegate the responsibility for the review to the Chair of the Academy Improvement Committee.

### **Anonymous Complaints**

The Trust and its Academies will not investigate anonymous complaints under the procedure in this Complaints Policy. Anonymous complaints will be referred to the Principal or Director of Governance who will decide what, if any, action should be taken

### **Record Keeping**

Accurate records will be maintained throughout the process, including details of any initial informal process, these records will be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

Please use the attached template to submit any complaints. (appendix 1)

### **Monitoring, Evaluation and Review**

The Trust Board of Trustees will review this procedure within two years and assess its implementation and effectiveness.

**Complaint Form for the Enquire Learning Trust**

Academy Name:	
Complaint's Name:	
Pupil Name:	
Complaint's relationship to pupil:	
Complaint's mobile number:	Email:
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, when and what was the response?)	
What actions do you feel might resolve the problem at this stage?	
Are you attaching any paperwork? If so, please give details:	
Office use:	
Date acknowledge sent:	
By Who:	
Complaint referred to:	

\*These forms will be kept securely for 6 years after the complaint is resolved, then destroyed securely.