

Aspire Academy Trust



Complaints Procedure

Date: September 2020

Date of Board Approval: 1st October 2020

Review Date: September 2023

Revision Log (last 5 changes)

Date	Version No	Brief detail of change
13.12.16	1.0	Scheduled revision
31.1.19	1.1	Scheduled revision and amendment to include new Director for Professional Standards and Strategic Partners in the procedure.
23.5.19	1.2	Revision to include SoS and Ofsted access to complaints
20.9.20	1.3	Update from DfE best practice guidance released

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Complaints Procedure

Aspire's approach to education in all its academies is underpinned by a sense of moral purpose and commitment to doing what is right for children, by supporting colleagues to achieve excellence and acting with integrity in all dealings within and beyond the organisation, in the interests of children.

Vision

- To provide all our children with a truly outstanding, world-class education
- To raise aspiration and achievement for all children
- For every academy to be, or become, outstanding and remain so always
- To be transparent, generous, and honest in how we work with each other

Aspire Academy Core Values

Our values are reflective of our mission to put the children we serve at the heart of all we do

Aspiration - to achieve the best for ourselves and others, to imagine possibilities and make them real

Spirit - courage of our convictions, energy, and determination

Passion - enthusiastic and committed to seek opportunity, find what is good and pursue talents and interests

Integrity – honest with ourselves and others in all that we do

Resilience - to overcome obstacles and reach success

Excellence – to achieve outstanding pupil outcomes within a world class educational trust

1. Statement of Complaints Procedure

- 1.1 The Academy must be clear about the difference between a concern and a complaint. The Department for Education (DfE) defines a concern as *'an expression of worry or doubt over an issue considered to be important, for which reassurances are sought'*. It defines a complaint as *'an expression of dissatisfaction, however made, about actions taken or lack of action'*. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.
- 1.2 **Concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally. In most cases the class teacher, or Head of School will receive the first approach. Staff should ensure that they listen carefully to any concern or complaint, try to resolve issues straight away or make it clear that they are committed to working with the complainant to resolving the issue as soon as possible.**
- 1.3 Unless complaints are dealt with under separate statutory procedures, we will use this complaints procedure.

2. Dealing with Complaints: Formal Procedures

- 2.1 Formal procedures will need to be invoked when initial informal attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

3. Framework of Principles

- 3.1 In keeping with Aspire values, our complaints procedure will:
- encourage resolution of problems by informal means wherever possible;
 - be easily accessible and publicised;
 - 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 progress;
 - ensure a full and fair investigation by an independent person, where necessary;
 - respect people's desire for confidentiality; (See footnote 1)
 - address all the points at issue and provide an effective response and appropriate redress, where necessary;
 - provide information to the Academy's senior management team so that services can be improved.

3.2 Any person, including members of the public, may make a complaint about any provision of facilities or services that we provide.

3.3 We will not investigate anonymous complaints.

3.4 Scope of this procedure covers all complaints about any provision under Aspire Academy Trust, other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
<ul style="list-style-type: none"> • Admissions to schools • Statutory assessments of Special Educational Needs • School re-organisation proposals 	<p>Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Cornwall Council</p>
<ul style="list-style-type: none"> • Matters likely to require a Child Protection Investigation 	<p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Referral Agency (MARU). 0300 1231 116. Email: multiagencyreferralunit@cornwall.gov.uk</p>
<ul style="list-style-type: none"> • Exclusion of children from school* 	<p>Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.</p> <p><i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure. See Aspire Trust website</i></p>
<ul style="list-style-type: none"> • Whistleblowing 	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus.</p> <p>Volunteer staff who have concerns about our school should complain through the Trust's complaints procedure. You may also be able to complain direct</p>

	to the LA or the Department for Education (see link above), depending on the substance of your complaint.
• Staff grievances	Complaints from staff will be dealt with under the Trust's internal grievance procedures.
• Staff conduct	Complaints about staff will be dealt with under the Trust's internal disciplinary procedures, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.
• Complaints about services provided by other providers who may use school premises or facilities	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.
• National Curriculum - content	Please contact the Department for Education at: www.education.gov.uk/contactus

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

If a complainant commences legal action against Aspire Academy Trust in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

4. Investigating Complaints

4.1 At each stage, the person or panel investigating the complaint will ensure 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;
- clarify what the complainant feels would put things right;
- interview those involved in the matter and/or those who are the subject of the complaint, allowing them to be accompanied if they wish;
- conduct interviews with an open mind and be prepared to persist in the questioning;
- keep notes of interviews.

5. Resolving Complaints

5.1 At each stage in the procedure, the Academy will consider ways to resolve a complaint. 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 review Academy policies in light of the complaint;

5.2 Complainants should be 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. It is important to clarify any misunderstandings that might have occurred in order to create a positive atmosphere in which to discuss any outstanding issues.

6. Serial and Persistent Complaints

6.1 There will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Deputy CEO/Director for Professional Standards may inform them in writing that the procedure has been exhausted and that the matter is now closed.

6.2 The decision to stop responding to a complaint should never be taken lightly. An Academy needs to be able to say yes to all of the following:

- The Academy has taken every reasonable step to address the complainant's needs;
- The complainant has been given a clear statement of the Academy's position and of their options (if any); and
- The complainant is contacting the Academy repeatedly but making substantially the same points each time.

6.3 The Academy's case is stronger if it agrees with one or more of the following statements:

- It has reason to believe that the individual is contacting them with the intention of causing disruption or inconvenience;
- The complainant's communications are often or always abusive or aggressive;
- The complainant makes insulting personal comments about or threats towards staff.

6.4 Academies should not stop responding just because a complainant is difficult to deal with or asks complex questions. In most circumstances, it is the subject matter that does not warrant a response, not the correspondent.

7. Time Limits

7.1 Complaints received out of term time - we will consider complaints made outside of term time to have been received on the first school day after the holiday period.

7.2 Complaints will be considered and resolved as quickly and efficiently as possible. Realistic time limits for each action within each stage must be set. 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.

7.3 Complaints should be presented as soon as possible after the incident arises, but within three months. Unless there are extenuating circumstances, the Trust reserves the right not to address any complaint raised after three months.

8. The Formal Complaints Procedure

8.1 The Stages of Complaints

8.1.1 At each stage, clarification of exactly who will be involved, what will happen and how long it will take must be communicated. There may, on occasion, be the need for some flexibility - for example, there may be a need for further meetings between the complainant and the member of staff directly involved or further investigations may be required by the Head of School after a meeting with the complainant.

8.1.2 There are three stages of the formal complaints procedure:

- Stage 1 Formal complaint investigated by the Head of School and the Academy's Strategic Partner
- Stage 2 Review of Formal complaint by a member of the Executive Team.
- Stage 3 Complaint heard before a Complaints Panel

In keeping with Aspire values, a mediation meeting can be arranged with the Director for Professional Standards after any stage to keep seeking a positive resolution to the issue. An unsatisfied complainant can always take the complaint to the next stage.

8.1.3. Complaints made by employees will be dealt with under the Trust's grievance policy.

8.1.4. Section 8.2.5 of this document explains the procedure for dealing with complaints relating to a Head of School, Strategic Partner or Trust Director.

8.2 Managing and Recording Complaints

8.2.1 **Recording Complaints** - A complaint may be made in person, by telephone, or in writing. An example of a complaint form can be found at Annex A. At the end of a meeting or telephone call, the member of staff should ensure that the complainant and the Academy have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls should be kept, and a copy of any written response added to the record.

8.2.2 The person investigating the complaint is responsible for the records. All correspondence, statements and records of complaint must be kept confidential¹.

8.2.3 The Academy Improvement Group (AIG) should monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. They will also consider any underlying or trust wide issues that need to be addressed.

¹ Except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them

8.2.5 Complaints Procedure

Stage One A: Complaint heard by the Head of School

It is in the interests of everyone that complaints are resolved at the earliest possible stage. **The complainant's experience during the first contact with the Academy can be crucial in determining whether the complaint will escalate.** To that end, if staff are made aware of the procedure, they will know what to do when they receive a complaint.

Where the complaint concerns the Head of School, the Strategic Partner or a Director, the complaint will be referred to the relevant line manager.

The role of the person investigating is to ensure fair and impartial consideration of the complaint and to ensure that the complainant is provided with well-considered responses to their concerns within the appropriate timescales. Records of complaints are kept confidential (See footnote 1). Upon receipt of a formal complaint at this stage, **a response letter will be sent to the complainant within ten school working days.**

The Head of School may delegate the task of collating the information to another staff member but may not delegate the decision on the action to be taken. If the Head of School is investigating, the academy's **Strategic Partner will review** the information once it has been collated to ensure all aspects of the complaint have been effectively investigated and addressed. **A response letter will be sent to the complainant within ten school working days.**

Stage Two: Complaint heard by a member of the Executive Team.

If the complainant remains dissatisfied with the response letter following the previous stage, the complaint may be raised with the Executive Team. Unless they have already been involved in mediation, this will normally be the Director for professional Standards in the first instance.

Complaints should be raised in writing via the Aspire general enquiries email address: aspire@iaspire.net. Upon a complaint being referred to a member of the Executive Team, s/he will arrange for a separate investigation into the circumstances of the complaint. A response letter will be sent to the complainant within ten school working days; this may invite the complainant to a meeting to discuss the matter further with a view to achieving a satisfactory resolution.

Stage Three: Complaint heard by a Trust Complaints Panel

If still dissatisfied after Stage Three, the complainant will be advised of their right to make a formal complaint by writing to the Deputy CEO via the Clerk to the Trust Board. The letter should set out details of the complaint, together with the reasons for the complainant's continued dissatisfaction.

Upon receipt of a formal complaint at Stage three, the Clerk to the Trust Board will arrange for all information on the complaint to be collated and will convene a Complaints Panel within 20 school working days. None of the members of the Complaints Panel will have been directly involved in any previous consideration of the complaint. One of the members of the Complaints Panel will be independent of the management and running of the Academy.

The hearing by the Complaints Panel is the last stage of the complaints procedure and will review the earlier stages of the procedure, together with any additional information that is available.

The complainant will be invited to the hearing of the Complaints Panel and will be given at least seven days' notice in writing of the time and venue of the hearing. Complainants will also be advised that, if they wish, an appropriate friend or adviser may accompany them to the appeal hearing.

8.2.6 The Remit of The Complaints Panel - The Complaints 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 similar problems do not recur.

8.2.7 Members of the Appeals Panel will keep certain points clearly in mind:

- a. It is important that the hearing is independent and impartial and that it is seen to be so. Nobody can sit on the Complaints Panel if they have had a prior involvement with the complaint in question or in the circumstances surrounding it. In deciding the makeup of the panel, the Trust must try to ensure that it is sensitive to issues of race, gender and religious affiliation;
- b. The aim of the hearing, which will be held in private, will always be to resolve the complaint and to achieve reconciliation between the Academy and the complainant. However, it is recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. In some cases, it may only be possible to establish the facts and make recommendations that will satisfy the complainant that his or her complaint has been taken seriously;
- c. Extra care needs to be taken when the complaint directly concerns a pupil. The Complaints Panel must be aware of the views of the pupil and must give them equal consideration to those of adults. Where the pupil's parent is the complainant, the panel will provide the parent with an opportunity to discuss which parts of the hearing, if any, it might be helpful for the pupil to attend;
- d. The people sitting on the Complaints Panel must be fully aware of the complaints procedure.

8.3 Roles and Responsibilities

8.3.1 The Role of the Clerk to the Trust Board - The Clerk is the contact point for the complainant at Stage Three and is required to:

- set the date, time and venue of the hearing, ensuring where possible that the dates are convenient to all parties and that the venue and proceedings are accessible;
- ensure that the Complaints Panel is convened within 20 school working days of receipt of the notice of formal complaint, unless all parties agree to any further deferral;
- collate any written material and send it to the parties in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings and outcomes of the hearing;
- notify all parties in writing of the panel's decision and of any recommendations within 20 school working days of the hearing;
- ensure that copies of all the written records of the hearing are kept in a confidential file (See footnote 1).

8.3.2 The Role of the Deputy CEO - The Deputy CEO must:

- check that the correct procedure has been followed;
- if a hearing is required, notify the Clerk to arrange the panel.

8.3.3 The Role of the Chair of the Panel - The Chair of the Complaints Panel has a key role in ensuring that:

- the remit of the Panel is explained to the parties and that each party has the opportunity to put their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents and others who may not be used to speaking at such a hearing are put at ease;
- any friend or adviser accompanying the parent/complainant is advised of their role and of how the Panel will arrange for their contribution to proceedings the hearing is conducted in an informal manner and each party treats the other with respect and courtesy;
- the Panel is open-minded and acts independently;
- no member of the Panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- one member of the panel is independent of the management and running of the academy;
- each side is given the opportunity to state their case and ask questions;
- written material is seen by all parties. If a new issue arises, all parties must be given the opportunity to consider and comment on it.

8.3.4 Notification of the Panel's Decision - The Chair of the Panel needs to ensure, via the Clerk, that the complainant is notified of the Panel's decision and any

recommendations, in writing, within 20 school working days. The letter will explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

8.3.5 Checklist for a Panel Hearing - The Panel needs to take the following points into account:

- the hearing should be 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, followed by their witnesses;
- the Head of School (HOS) may question both the complainant and the witnesses after each has spoken;
- the HOS is then invited to explain the Academy's actions, followed by the Academy's witnesses;
- the complainant may question both the HOS 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 HOS is 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 a set time scale.

Complaint Form

Please complete and return to(Complaints Co-ordinator) who will acknowledge receipt and explain what action will be taken.

Your name:.....

Pupil's name (if applicable):.....

Your relationship to the pupil:.....

Address:.....

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Postcode:.....

Day time telephone number:

Evening telephone number:.....

Please give details of your complaint:.....

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

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

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

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Signature:

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Date:.....

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date: