

Concerns and Complaints policy

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Related policies and documents

- Serial and Unreasonable Complaints Policy

Definitions

- Where the word 'Trust' is used in this document it refers to The Elliot Foundation Academies Trust.
- Where the word 'Governing Body' is used it refers to the Local Governing Body of an individual academy within the Trust.
- Where appropriate the Local Governing Bodies of individual academies will publish details of the procedures and practices to implement Trust policies.

Elliot Foundation Academies Trust Vision and Values

Vision

The Elliot Foundation was created as a safe place for children and teachers where all are nurtured to achieve beyond even their own expectations. Our motto, "Where children believe they can because teachers know they can" reflects our conviction that raising expectations for all children and teachers is at the heart of a successful and inclusive society.

Values

For children

We help children to discover themselves and aspire beyond any limitations that their context might appear to place upon them. We help them understand that they can be, 'Heroes of their own lives' building the foundations for healthy and successful lives.

For schools

In addition to the essential functional skills of reading, writing and mathematics, children need to learn how to learn and to believe that they can continue to do so. They must also possess the critical thinking skills to sift fact from fiction to be able to think for themselves, freely and creatively.

For success

To thrive, whatever their chosen path, children need confidence, curiosity and commitment. We will nurture these attitudes across all their learning experiences

For communities

Children at Elliot academies will be raised with an awareness of the world around them and their role in shaping a better future through volunteering and contributing in their communities.

1. Policy statement and objectives

- 1.1. This Policy and the procedures for its implementation aim to clarify the way in which concerns and complaints are managed. It aims to do so in a way which is clear and concise. The Policy also seeks to promote a consistent and transparent approach to dealing with concerns and complaints

2. Introduction

- 2.1. Academies are required to have complaints procedures meeting certain requirements by the Education (Independent School Standards England) Regulations 2014 Part 7 and to make the procedure available to parents of pupils and parents of prospective pupils
- 2.2. The Trust accepts that the actions of those individuals who work in the school will and should be open to comment, question and, on occasions, criticism. TEFAT takes complaints seriously and strives to deal with concerns and complaints swiftly and thoroughly. In a spirit of accountability TEFAT will attempt to resolve general school concerns and complaints through the most appropriate process and, where necessary, this may involve formal procedures
- 2.3. This policy does not cover every type of complaint. The issues noted below have their own separate procedures:
 - Matters that are the responsibility of the Local Authority such as pupil admissions and home to school transport
 - Statutory assessment of Special Educational Needs
 - Matters likely to require a Child Protection Investigation (handled under our Child Protection and Safeguarding policy and in line with statutory guidance)
 - Exclusion of pupils from school
 - The National Curriculum and related matters, including Religious Education
 - Whistleblowing (handled under our Whistleblowing Policy for all employees, including temporary staff and contractors)
 - Staff grievances (handled under our Grievance Policy)
 - Staff conduct (handled under internal disciplinary procedures, if appropriate)
 - Complaints about the services provided by other providers who may use school premises or facilities (providers should have their own complaints procedure to deal with this)

3. Principles

3.1. This Policy is underpinned by the principles noted below:

- A concern is defined as ‘an expression of worry or doubt over an issue considered to be important for which reassurances are sought’
- A complaint is defined as ‘an expression of dissatisfaction about actions taken or a lack of action’. It is in everyone’s interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally and without the need to use the formal stages of the complaints procedures.
- Concerns and complaints will be considered and resolved as quickly and as efficiently as possible
- Concerns and complaints will be dealt with by the member of staff best suited to deal with the matter
- If the concern or complaint is about an individual member of staff they have a right to know the substance and source of any allegation made against them
- Complaints will be dealt with in line with any relevant national legislation and statutory obligations
- Concerns and complaints will be dealt with having due regard for confidentiality and the security of any records in line with current data protection policy and guidance
- For complaints against TEFAT Head Office staff this policy will apply but substituting CEO for Principal and TEFAT Trust Board for Local Governing Body

4. Implementation

4.1. TEFAT has a three stage process for dealing with concerns and complaints. Further details of each stage together with roles and responsibilities of staff involved can be found within this document. The three stages are:

- Stage 1 – concern heard by a member of staff (informal)
- Stage 2 – complaint heard by the Principal (complaint which is put in writing)
- Stage 3 – complaint heard by the Local Governing Body complaint appeal panel

4.2. Stage 1: A concern can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf of a complainant, as long as they have appropriate consent so to do. Concerns should be raised with the appropriate member of staff, most likely the class teacher or member of

the senior leadership team. TEFAT works to informally resolve a concern at the earliest possible opportunity by way of a discussion(s) with the appropriate member of staff.

- 4.3. Stage 2: If the Complainant thinks that their concern has not been resolved then the next step is to make a formal complaint. Complaints should be submitted in writing within 10 school days of the final informal discussion. During this stage the Principal will deal with the complaint. The Principal will respond to the complaint in writing via a letter or an email within 10 school days
- 4.4. Stage 3: If the Complainant is still not satisfied they should write to the Chair of Governors giving full details of the complaint and the reason why they remain dissatisfied with previous attempts to resolve the complaint. The request must be received within 10 school days of the date the letter was received from the Principal
- 4.5. The Chair, or a nominated governor, will convene a Local Governing Body Complaints Panel within 15 school days of the receipt of the letter
- 4.6. One of the governors will be appointed as the Chair of the Complaints Panel. This will not necessarily be the Chair of Governors
- 4.7. The Clerk to the Governors will invite the Complainant to attend the Complaints Panel. The Complainant will be informed of the time, date and venue for the hearing. The Complainant can, if they so wish, be accompanied by a relative or friend when attending the Panel. The clerk will collate and distribute any relevant information
- 4.8. The Complaints Panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded
- 4.9. The Complaints Panel will also not review any new issues at this stage or allow evidence unrelated to the initial complaint to be included. New issues must be raised in line with this policy
- 4.10. The Complaints Panel will consist of at least three governors who were not directly involved in the matters detailed in the complaint. At least one governor must be independent of the management and running of the Academy named in the complaint. The Chair will appoint a suitably independent individual to fulfil the role
- 4.11. The Chair will ensure that the Complainant is informed of the Panel's decision, in writing, within 10 school days of the Panel hearing
- 4.12. The Panel hearing will be held in private and the Academy aims to resolve the complaint and achieve reconciliation between the academy and the Complainant.
- 4.13. The Complaints Panel will aim to reach an outcome in respect of the complaint (i.e. upheld, partially upheld, not upheld, unable to substantiate). The Panel will also decide and agree on any appropriate action to be taken as a result of the complaint and make recommendations to change processes/procedures to ensure problems of a similar nature do not recur
- 4.14. Any disciplinary outcome of any investigation into the conduct of a member of staff is a confidential matter between the member of staff and the Senior

Management /Governors of the academy and will not be disclosed to the complainant

- 4.15. The implementation and adherence to this procedure should reduce the number of complaints that become protracted or vexatious. If a complainant tries to reopen the same issue the Chair of the Governing Body will write to the complainant explaining that the complaint has been through all stages of the procedure, is now exhausted and the matter is now closed. Any further attempt to reopen the issue will be dealt with under the Serial and Unreasonable Complaints Policy.
- 4.16. This policy is published on the Trust and academy website and is available from the Main School Office on request
- 4.17. Should a complainant remain dissatisfied following a Stage 3 complaint they will be advised of their right to escalate their complaint to the following bodies:

- **Department for Education**

If a complainant feels that the school has or is proposing to act unreasonably, or has failed to discharge a duty under certain legislation they can contact the Department for Education via the following link:

https://form.education.gov.uk/fform.php?self=1&form_id=cCCNJ1xSfBE&type=for%20m&ShowMsg=1&form_name=Contact+the+Department+for+Education&noRegister%20=false&ret=%2Fmodule%2Fservices&noLoginPrompt=1

- **Education & Skills Funding Agency**

If a complaint comes to the ESFA they will check whether the complaint has been dealt with properly by the Academy. They will consider complaints about Academies that fall into any of the following three areas:

- Where there is undue delay or the Academy did not comply with its own complaints procedure when considering a complaint
- Where the Academy is in breach of its funding agreement with the Secretary of State
- Where an Academy has failed to comply with any other legal obligation

They will not overturn an Academy's decision about a complaint. However, if they find 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 Regulations. If the Academy's complaints procedure does not meet the Regulations, they will ask the Academy to put this right. They may seek to enforce the

decision under the terms of the funding agreement on behalf of the Secretary of State, if appropriate.

5. Other Information

5.1. TEFAT academies will:

- Deal with complaints from people who are not parents of attending pupils in the same way by utilising the process outlined above
- Not normally investigate anonymous concerns or complaints. However the Principal, if appropriate, will determine whether the issue raised warrants an investigation
- Expect that the concern or complaint will be raised within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. Outside of this time frame only where exceptional circumstances apply will consideration be given to the issue raised
- Consider concerns or complaints made outside of term time to have been received on the first school day after the holiday period
- Ensure the complainant is given reasonable notice of the panel hearing date, if the complaint does proceed to the Complaints Panel stage and ensure that the venue is accessible
- Consider if staff likely to be involved in handling a complaint are suitably trained and supported to do so
- Provide a copy of the findings and recommendations to the complainant and, where relevant, the person complained about
- Ensure that records of all complaints, findings and recommendations are available for inspection on the school premises by the Principal and / or officers of the Trust as appropriate
- Ask that if a complainant wants to withdraw their complaint they confirm this in writing
- Clearly signpost parents that are not satisfied with the handling of their complaint to the ESFA
- Not tolerate abusive language or behaviour at any time, and reserve the right to postpone the process should it feel that the welfare of staff, pupils and / or governors is at significant risk

