

THE EDUCATION VILLAGE ACADEMY TRUST



COMPLAINTS POLICY & PROCEDURE

EVAT Version Control Document

Version:	Date:	Policy Owner:	Amendments made by:	Details of amendments made:	Reviewed by:	Approved by:
V1.0	09.09.16	Alana Mackenzie	Cathy Knights	Additional detail about appeals process, timings and role of complainant.	ELT	Board of Directors
V2.0	29.11.16	Alana Mackenzie	Cathy Knights	Amendment regarding Panel Chair checklist	Directors	Directors



At The Education Village Academy Trust, all children, young people and adults are valued both as individuals and as part of the wider Trust community. We aim to provide a safe, happy and caring environment within which everyone can thrive.

Core values

Our Trust's activities are informed by our core values, which mean that we:

1. recognise the **worth** of each **individual** by valuing the personal qualities they demonstrate in their learning, living and working
2. recognise the **experiences** of children and young people by valuing the **talents** and **skills** they bring into their schooling, and we commit to ensuring that schooling enhances these talents and skills
3. embrace **difference** and **harmony** by valuing **diversity**
4. display **integrity** and **authenticity** by valuing **openness, trust, fairness, honesty** and **respect** for all people
5. foster **ambition, high aspirations** and **independent** spirit by valuing each individual's abilities, aptitudes and desire to create, explore and grow
6. commit to **hard work** and **high standards** in provision, behaviours and outcomes
7. help, support and enable others by valuing **relationships** with all stakeholders, being **emotionally intelligent**, building **resilience** and being **forward-looking**
8. acknowledge the role of **networks** by valuing the ways in which people can live together, collaborate and make positive contributions as **citizens**
9. acknowledge the place of school in the **community**, including the broader **global** community, by valuing the essential nature of the relationship between schools and the social and economic environments in which they operate

This policy, and its associated procedures and protocols, are based on these key principles.

Contents

The Education Village Academy Trust Complaints Policy & Procedure on the Handling of Concerns and Complaints.....	5
Timescales:	5
Policy Aim and Statement	5
Stage 1: Informal Complaints	6
Stage 2: Formal Complaints.....	6
Stage 3 – Complaint Heard by the Complaints Panel.....	7
The Role of the Complainant.....	8
The Role of the Clerk	9
The Role of the Chair of the Governing Body/Board of Directors or Nominated Governor/Director.....	9
The Role of any witness.....	9
Guidance for a Panel Hearing	10
Record Keeping.....	10
Public Sector Equality Duty (Equality Act 2010)	10
Appendix A: Summary of Dealing with Complaints.....	11
Appendix B: Complaints Form	12
Appendix C: Guidance on appointment of an Independent Member of the Panel	14
Appendix D: – Policy on unacceptable behaviour	15
Unacceptable actions and behaviour	15
Appendix E: Policy on unreasonably persistent complainants.....	17
Actions and behaviours of unreasonable and unreasonably persistent complainants.....	17

N.B. Where reference is made to an 'Academy' or a 'School' the intention is that the policy is universal and applies to both.

The Education Village Academy Trust Complaints Policy & Procedure on the Handling of Concerns and Complaints

This policy applies to all concerns and complaints other than

- **Child Protection** issues and
- **Exclusions** where separate procedures apply.

This policy complies with Schedule 1, Part 7 of the Education (Independent School Standards) (England) Regulations 2010.

Timescales:

We aim to resolve any complaints in a timely manner. Timescales for each stage of the Complaints Procedure are set out below in the relevant paragraphs. For the purposes of this policy, a "working day" is defined as a weekday during term time, when the Trust's schools are open. The definition of "working day" excludes weekends and Bank Holidays.

Policy Aim and Statement

Aim:

The aim of this policy is to ensure that a complaint by an individual is managed sympathetically, efficiently and at the appropriate level and resolved as soon as possible. Doing so is good practice, it is fair to those concerned and it helps to promote parents', students' and other stakeholders' confidence in our ability to safeguard and promote welfare. We will try to resolve every concern or complaint in a positive way with the aim of resolving the issue in a transparent manner.

The Trust expects that most concerns can be resolved informally and guarantees to treat seriously and confidentially all concerns whether raised informally or formally.

An outline of the Complaints procedure is provided at Appendix A for information.

Policy Statement:

We need to know as soon as possible if there is any cause for dissatisfaction. We recognise that a difficulty that is not resolved quickly and fairly can soon become a cause of resentment, which could be damaging to relationships and also to our Trust culture. We intend that parents, students and other stakeholders should never feel – or be made to feel – that a complaint will be taken amiss or will adversely affect a pupil or his/her opportunities at school. The policy, however, distinguishes between a concern or difficulty which can be resolved informally and a formal complaint which will require further investigation.

Serial and persistent Complaints

If properly followed, a good complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. Please see Appendices D and E for further details of how such complaints will be dealt with and examples of behaviour which will not be tolerated.

Stage 1: Informal Complaints

1. Concerns: Most concerns, where a complainant seeks intervention, reconsideration or some other action to be taken, can be resolved informally. Examples might include dissatisfaction about some aspect of teaching, disciplinary matters or issues outside the classroom.

The complainant should raise the concern initially with the Teacher or the Principal of School/Academy as appropriate. The Trust will ensure that informal complaints are resolved within 10 working days of being raised.

2. Unresolved concerns: A concern which has not been resolved by informal means within ten working days from the receipt of the complaint can be notified as a formal complaint in accordance with Stage 2 below.

3. Record of concerns: In the case of concerns raised under Stage 1 of this procedure, the only record of the concern and its resolution will be any file notes taken by the person dealing with the complaint and/or file correspondence between the person raising the concern and the respondent.

Stage 2: Formal Complaints

4 Notification: An unresolved concern under Stage 1, or a complaint which needs investigation, or a more serious dissatisfaction with some aspect of the Trust's policies, procedures, management or administration should be set out in writing with full details and sent with all relevant documents and full contact details for the attention of the Complaints Coordinator. A model Complaints Form is provided at Appendix B and use of the form will assist the school in investigating the issues. However, formal written complaints received in another format will also be considered in line with the procedure. Should a formal written complaint be received by another member of the Trust's staff, this should be immediately passed to the Complaints Coordinator. If a complainant is unable to complete the Complaints Form, they may make their formal complaint in person or by phone. Where this is necessary they should contact the Complaints co-ordinator to make arrangements to speak or meet. The Complaints Co-ordinator will arrange for brief notes (e.g. bullet points) to be made so that the Complaint is recorded.

5. Acknowledgement: The Complaints Coordinator will acknowledge the complaint in writing normally within 3 working days of receipt during term time and as soon as practicable during the holidays. The acknowledgement will indicate the action that is being taken and the likely timescale for resolution.

6. Investigation and resolution: The Complaints Coordinator will pass the complaint to the Principal of a school/academy, who may deal with the matter personally or delegate a senior member of staff to act as "investigating officer." The "investigating officer" may request additional information from the complainant and will fully investigate the issue. In most cases, the Principal or investigating officer will meet or speak with the complainant to discuss the matter.

Where it is inappropriate to pass the complaint to the Principal of a school/academy (for example, if the complaint refers to the Principal or a governor/Director), the Complaints Coordinator will pass the complaint to the Chief Executive. The Chief Executive may deal with the matter personally or delegate another suitable person to act as "investigating officer."

If the complaint refers to the Chief Executive, the Complaints Coordinator will pass the complaint to the Chair of the Board of Directors, who may deal with the matter personally or delegate another suitable person to act as “investigating officer”. Similarly, if the complaint is in relation to the Chair of the Board of Directors the complaint will be referred to the Vice Chair or appropriate Director.

The Complaints Coordinator may also pass complaints to an appropriate director or member of the Academy Trust if the above provisions are not appropriate.

7. Outcome: The aim is to inform any complainant of the outcome of an investigation and the resolution to the complaint within 15 working days from the receipt of the complaint. Please note that any complaint received during a school holiday or within 15 working days of the end of term or half term may take longer to resolve.

8. Record of complaints: Written records will be kept of any meetings and interviews held in relation to the complaint.

9. Unresolved Complaints: Where the complainant is not satisfied with the Trust's response to their complaint they may have their complaint considered by an independent Complaints Panel.

Stage 3 – Complaint Heard by the Complaints Panel

10. Request: A request for a complaint to be heard by a Complaints Panel (an appeal) must be made in writing and within 10 working days of the date of the school decision made at Stage 2. An appeal should be addressed to the Complaints Coordinator and the complainant should set out the grounds for their appeal. It should set out the reason(s) the complainant remains unhappy and what outcome will, in their opinion, resolve their complaint.

11. Acknowledgement: Where an appeal is received, the Complaints Coordinator will, within 3 working days, refer the matter to the Clerk of the Board of Directors who will act as Clerk to the Complaints Panel. The Clerk will acknowledge, in writing, receipt of the appeal within 3 working days and inform the complainant of the steps involved in the process. The Clerk will be the contact point for the complainant.

12. Panel Hearing: The Clerk will aim to convene an Appeal Panel hearing as soon as possible, normally no later than 15 working days after they have received the Stage 3 request.

13. Panel Membership: The Panel will consist of two Trust committee members/directors who have not previously been involved in the complaint, and one person independent of the management and running of the school (the process used for selecting the independent person will conform to relevant guidance – see Appendix C). In deciding the make-up of the Panel, committee members/directors need to try and ensure that it is a cross-section of the categories of committee member/director and sensitive to the issues of race, gender and religious affiliation. The Panel will select its own Chair.

14. The Remit of the Complaints Appeal Panel:

The 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 Trust's systems or procedures to ensure that problems of a similar nature do not recur

The aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the Trust and the complainant. The panel chair will ensure that the proceedings are as informal as possible.

15. Attendance: The following are entitled to attend a hearing, submit written evidence and address the Panel;

- The complainant (this may be both parents/carers if appropriate) and/or one representative
- The Chief Executive or Academy/School Principal and/or one representative
- Any other person who the Complaints Panel considers to have a reasonable, and just, interest in the appeal and whose contribution would assist the Panel in their decision making

The hearing is a final attempt to reach an agreement where a complainant remains dissatisfied. It is not a court room and it is important that no-one in attendance feels intimidated. The Chair will make every attempt to keep the hearing informal and in these circumstances it is not considered appropriate for any party to bring professional legal representation. This does not mean the complainant or the Trust cannot seek legal advice before the hearing.

16. Evidence: All parties will be given the opportunity to submit written evidence to the Panel in support of their position including;

- Documents
- Chronology and key dates
- Written statements setting out further detail

The evidence will be considered by the Panel along with the initial submission.

All written evidence must be received by the Clerk no later than 5 working days in advance of the Panel Hearing. The Clerk will distribute the evidence to all parties no later than 3 working days in advance of the Panel Hearing.

17. Roles and Responsibilities:

The Role of the Complainant

The complainant should be clear about the reason for their appeal. An appeal is likely to take up time for themselves, school/academy staff and panel members and clear information about why they remain dissatisfied should help all parties focus on a fair and realistic outcome.

The complainant must provide the Clerk with a list of names of the people who they will bring to the appeal, either as a representative or a witness. The Trust has a duty to safeguard children and visitors will be provided with name badges and accompanied by a member of staff whilst on the premises.

The complainant should co-operate with the appeal process. They should make themselves available for the hearing at the earliest possible date, particularly if their child is not attending school pending an appeal. Where a child is not in school, the usual process for addressing attendance will be followed.

The Role of the Clerk

All panels considering complaints must be clerked. The Clerk is the contact point for the complainant and is required to:

- Set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible
- 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
- Notify all parties of the Panel's decisions

The Role of the Chair of the Governing Body/Board of Directors or Nominated Governor/Director

- Check that the correct procedure has been followed
- If a hearing is appropriate, notify the clerk to arrange the Panel

The Role of the Chair of the Panel

The Chair of the Panel has a key role, ensuring that:

- The remit of the Panel is explained to the parties and each party has the opportunity of putting their case without undue interruption
- The issues are addressed
- Key findings of fact are made
- Complainants who may not be used to speaking at such a hearing are put at ease
- The hearing is conducted in an informal manner with each party treating the other with respect and courtesy
- The panel is open minded and acting 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
- 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 it would be useful to give all parties the opportunity to consider and comment on it

The Role of any witness

A witness should be prepared to answer questions put to them by the panel or any other party at the hearing. They should be aware a written record of the proceedings will be made. Once their evidence has been given, they will be asked to leave the hearing. However, the Panel may wish to recall a witness in order to satisfy a need for further information or clarification. The panel will always aim for the hearing to be completed in a single sitting, but any witness should be prepared to remain on the premises in case they are recalled.

18. Decision: The Panel will reach a decision, and make any recommendations within 5 working days of the hearing. The decision reached is final.

19. Notification of the Panel's Decision: The Panel's findings will be sent, in writing, to the Clerk, to the complainant, the governors/directors and the Chief Executive and, where relevant, to the person complained about. The letter will state the reasons for the decision reached and any recommendations made by the Panel.

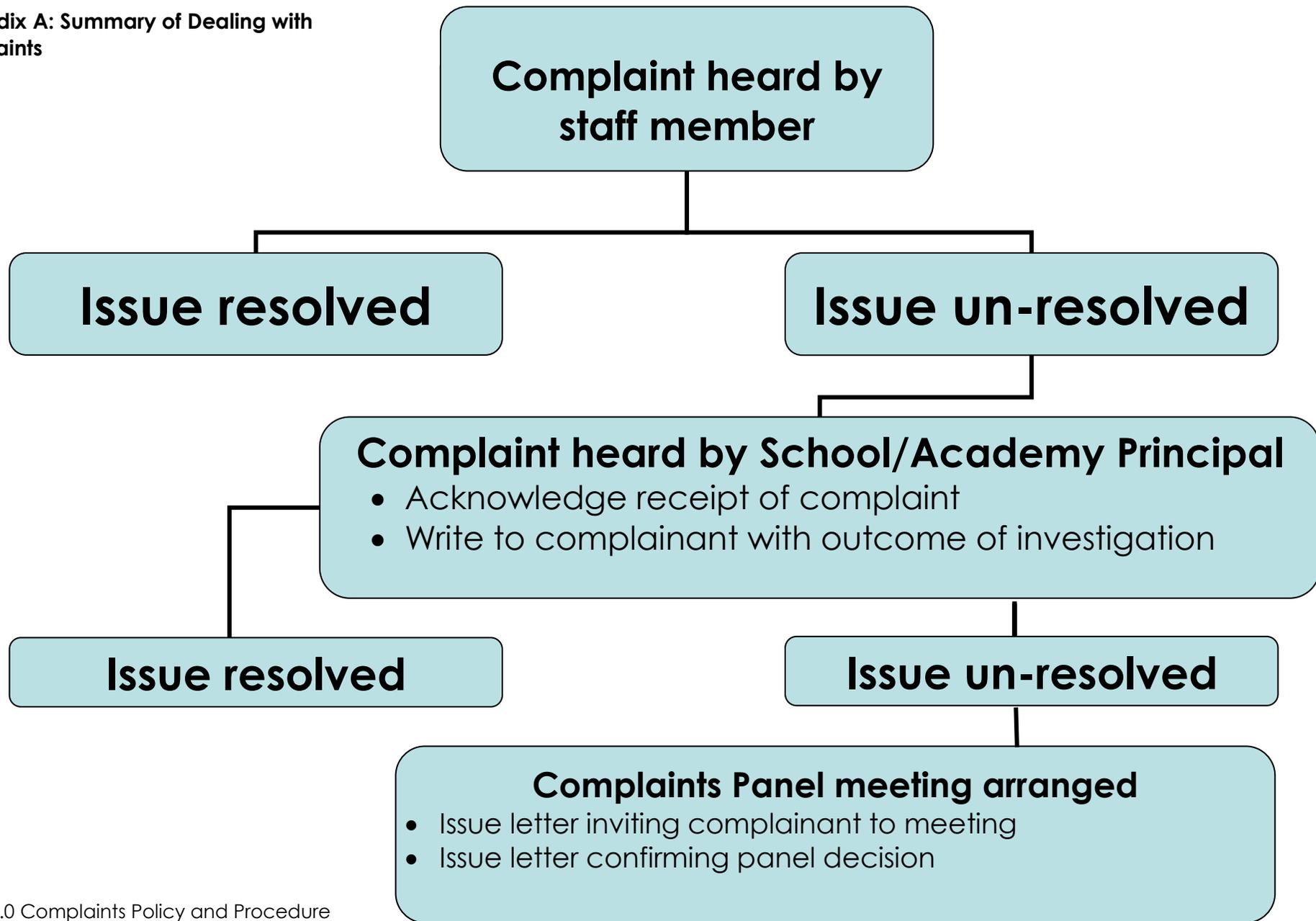
20. Record Keeping: The Trust will keep a record of all appeals, decisions and recommendations of the Complaints Panel.

Guidance for a Panel Hearing

- 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
- The Academy/School Principal may question both the complainant and the witnesses after each has spoken
- The Academy Principal should be invited to explain the academy's/school's actions and be followed by the school's witnesses
- The complainant may question both the Academy/School Principal and the witnesses after each has spoken
- The panel may ask questions at any point
- The complainant is invited to sum up their complaint
- The Academy/School Principal is invited to sum up the academy's/school's actions and response to the complaint
- The Panel will write with their decision within 5 working days of the hearing
- The chair explains that both parties will hear from the panel within a set time-scale

Public Sector Equality Duty (Equality Act 2010)

In preparing or amending this policy, the author has given due regard to the Public Sector Equality Duty; that is, they have considered any potential impact on people who share certain protected characteristics. These protected characteristics are defined as: race, disability, sex, age, religion or belief, sexual orientation, pregnancy and maternity and gender reassignment.



Appendix B: Complaints Form



COMPLAINT FORM

Please complete and return to Alana Mackenzie (Complaints Co-ordinator) who will acknowledge receipt and explain the complaints process.

Your Name

Pupil's name (if applicable)

Academy/School attended
.....

Your relationship to the pupil (if applicable)

Address
.....

Telephone number (day)

Telephone number (evening)

Please give brief details of your complaint
.....
.....
.....
.....
.....
.....

.....
.....
.....

What action, if any, have you already taken to try to resolve your complaint? (Who did you speak to and what was their response?)

.....
.....
.....
.....
.....
.....
.....

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

.....
.....
.....
.....
.....

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

.....
.....
.....
.....
.....
.....

Signature (Complainant)

Date

Appendix C: Guidance on appointment of an Independent Member of the Panel

The DfE supplied the following guidance in a letter to the ISC General Secretary:

“Whilst we do not intend to be prescriptive our general view is that suitable people would be those who have held positions of responsibility and who are used to analysing evidence and putting forward balanced arguments/points. It would add credibility if independent panel members had some standing in the local community. In this connection serving or retired business people, civil servants, heads or senior members of staff at other schools, people with a legal background – perhaps retired members of the Police Force – might be considered suitable by schools. Schools will have their own views and may well have other suitable suggestions to make.

You asked if it would be acceptable to appoint former governors or staff of the school as the independent panel member. The regulations do not preclude this since the stipulation is that the person must be independent of the management and running of the school. Clearly former governors or staff would not have any such involvement. However, schools should bear in mind that they may be subject to criticism that such people would remain too close to the school and would not be truly independent.”

Appendix C – Policy on unacceptable behaviour

The Board of Directors recognises that a formal complaint may be the last resort for complainants. They also have a duty to ensure the safety and welfare of pupils, parents and staff.

The Board of Directors is committed to dealing with all complaints fairly and impartially and to providing a high quality service to those who make them. As part of this service it would not normally limit the contact complainants have. However, the Board of Directors does not expect the Education Village Academy Trust's staff to tolerate behaviour by complainants which is unacceptable, for example, which is abusive, offensive or threatening, and it will take action to protect staff from that behaviour. This applies to unacceptable behaviour on any part of the school/academy premises.

If the Chief Executive considers that a complainant's behaviour is unacceptable the complainant will be told why their behaviour is deemed to be unreasonable and will be asked to change it. If the unacceptable behaviour continues the Chief Executive will take action to restrict the complainant's contact with school.

Unacceptable actions and behaviour

These are some of the actions and behaviours of unreasonable and unreasonably persistent complainants which school often find problematic. It is by no means an exhaustive list and local factors may vary.

- Foul and abusive language towards staff, other parents and pupils.
- Behaviour that staff consider to be harassing and intimidating, including in person, over the telephone, or any other type of communication (including social media).
- Undermining school policies by actively encouraging pupils to ignore staff requests.
- Making unnecessarily excessive demands on the time and resources of staff, by for example excessive telephoning or sending emails to numerous staff, writing lengthy complex letters every few days and expecting immediate responses.
- Combinations of some or all of these.

The decision to restrict access to our schools will be taken by the Chief Executive. Any restrictions imposed will be appropriate and proportionate. The options most likely to be considered are:

- Requesting contact in a particular form (for example, letters only).
- Requiring contact to take place with a named member of staff.
- Restricting telephone calls to specified days and times.
- Asking the complainant to enter into an agreement about their conduct.

In all cases we will write to tell the complainant why we believe his or her behaviour is unacceptable, what action we are taking and the duration of that action.

Where a complainant continues to behave in a way which is unacceptable, we may decide to terminate contact with that complainant and discontinue any investigation into their complaint. However, the Board of Directors will seek to limit any detriment to any pupils who attend one of the Trust's schools/academies, as far as is reasonable within these circumstances e.g. access to parent's evenings, newsletters, and any other correspondence.

Where the behaviour is so extreme that it threatens the immediate safety and welfare of the Trust's staff, we will consider other options, for example reporting the matter to the police or taking legal action. In such cases, we may not give the complainant prior warning of that action.

Appendix D: Policy on unreasonably persistent complainants

The Governing Body recognises that making a formal complaint is the last resort for complainants. It is also accountable for the proper use of public money and must ensure that that money is spent wisely and achieves value for complainants and the wider public.

The Board of Directors is committed to dealing with all complaints fairly and impartially and to providing a high quality service to those who make them. As part of this service it does not normally limit the contact complainants have with the Trust.

However, there are a small number of complainants who, because of their frequent contact with the Trust, hinder consideration of their or other people's, complaints. Such complainants are referred to as 'unreasonably persistent complainants' and, exceptionally, the Chief Executive will take action to limit their contact with Trust.

Actions and behaviours of unreasonable and unreasonably persistent complainants

These are some of the actions and behaviours of unreasonable and unreasonably persistent complainants which schools often find problematic. It is by no means an exhaustive list and factors may vary, but they are examples that may come to our attention.

- Refusing to specify the grounds of a complaint, despite offers of assistance with this from the Trust's staff.
- Refusing to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
- Refusing to accept that issues are not within the remit of a complaints procedure despite having been provided with information about the procedure's scope.
- Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- Making what appear to be groundless complaints about the staff dealing with the complaints, and seeking to have them replaced.
- Changing the basis of the complaint as the investigation proceeds and/or denying statements he or she made at an earlier stage.
- Introducing new information which the complainant expects to be taken into account and commented on, or raising large numbers of detailed questions which are particularly time consuming and costly to respond to and insisting they are all fully answered.

- Electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved.
- Adopting a 'scattergun' approach: pursuing a complaint or complaints with the academy/school and, at the same time, with a Member of Parliament/a councillor/the authority's independent auditor/the Local Authority/local police/solicitors/the Ombudsman/OFSTED.
- Making unnecessarily excessive demands on the time and resources of staff whilst a complaint is being looked into, by for example excessive telephoning or sending emails to numerous academy/school staff, writing lengthy complex letters every few days and expecting immediate responses.
- Submitting repeat complaints, after complaints processes have been completed, essentially about the same issues, with additions/variations which the complainant insists make these 'new' complaints which should be put through the full complaints procedure.
- Refusing to accept the decision – repeatedly arguing the point and complaining about the decision.
- Combinations of some or all of these.

The decision to restrict access to the sites within the Trust will be taken by the Chief Executive and will normally follow a prior warning to the complainant. Any restrictions imposed will be appropriate and proportionate. The options we are most likely to consider are:

- Requesting contact in a particular form (for example, letters only).
- Requiring contact to take place with a named member of staff.
- Restricting telephone calls to specified days and times.
- Asking the complainant to enter into an agreement about their future contacts with us.

In all cases where we decide to treat someone as an unreasonably persistent complainant, we will write to tell the complainant why we believe his or her behaviour falls into that category, what action we are taking and the duration of that action. We will also tell them how they can challenge the decision if they disagree with it. If we decide to carry on treating someone as an unreasonably persistent complainant and we are still investigating their complaint six months later, we will carry out a review and decide if restrictions will continue.

Where a complainant whose case is closed persists in communicating with us about it, we may decide to terminate contact with that complainant. In such cases, we will read all correspondence from that complainant, but unless there is fresh evidence which affects

our decision on the complaint we will simply acknowledge it or place it on the file with no acknowledgement.

New complaints from people who have come under the unreasonably persistent complainant's policy will be treated on their merits.