

Complaints Policy

Southern Academy Trust

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Introduction

Governing Bodies of all establishments in England receiving funding from the Education Funding Agency (EFA) are required, under the Education (Independent School Standards) (England) Regulations 2010 to have in place a procedure to deal with complaints relating to the institution involved. These institutions include:

- Sixth form colleges.
- Private and charitable training providers (except for learners on an apprenticeship programme).
- Commercial organisations and charitable bodies making provision for learners with learning difficulties and disabilities aged over 16 and less than 25.

The law also requires the procedure to be in writing and available to learners and parents ensuring it is available in other formats as appropriate or required.

Individuals contacting the local authority regarding an Academy complaint are advised to contact the Academy directly. The local authority can also provide advice and support to principals and governors in the operation of their complaints procedures through the Complaints Advice Service available from April 2014.

What is a complaint?

A complaint in this context is regarded as a written expression of dissatisfaction which is clearly marked as a complaint. Informal concerns are dealt with in a similar manner but the response is likely to be swifter. An informal concern may be escalated to a complaint.

Informal complaints – We take informal concerns seriously and will make efforts to resolve matters at the earliest stage possible.

Formal complaints - This formal procedure will be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further. These complaints should be made in writing.

How to make a Complaint

Formal complaints should be made in the first instance, to the Complaints Coordinator of Southern Academy Trust through the Trust Administrator. Trust Administrator will record the date the complaint is received and will acknowledge in writing (letter or email) receipt of the complaint within 3 school working days.

Who can make a Complaint?

Any person may make a complaint to the Academy if the Academy is directly responsible for the issue being complained about. It is not limited to parents with children registered at the Academy.

Academies cannot refuse to deal with a complaint once a child has been removed from the Academy's register.

Anonymous Complaints

The Complaints Coordinator in conjunction with the Principal and Chair of Governors will determine whether the gravity of an anonymous complaint warrants its investigation.

Complaints received out of Term Time

Complaints made outside of term time will be deemed to have been received on the first working day after the holiday period.

Principles of the Procedure

An effective complaints procedure shall:

- Not exclude any group with protected characteristics from making a complaint.
- 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 the progress.
- Ensure a full and fair investigation by an independent person where necessary.
- Respect people's desire for confidentiality.
- 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 (i.e. learning from feedback).
- Have due regard to the principles of the Equality Act 2010 and how they impact upon Academy's parents, carers and children/young people.

Scope of this Complaint Procedure

This procedure covers all complaints with the exceptions listed below for which there are separate (statutory) procedures.

This policy does not cover the following issues:

- admissions to the Academy
- exclusion of children/young people from Academy
- statutory assessments of special education needs
- matters likely to require a Child Protection Investigation
- whistleblowing
- staff grievances and disciplinary procedures
- complaints about services provided by other providers, such as contractors
- examination results or curriculum content – examining body or Ofqual
- employment issues
- institutional contract disputes
- matters that have been considered by Court or are already subject to legal action or proposed legal action

Complaints that have already been investigated cannot be considered again. Legal, safeguarding or disciplinary proceedings may take precedence over complaints procedures and timescales.

Concurrent Considerations

If there is a risk that dealing with a complaint might prejudice a concurrent consideration, the complaints procedure will be suspended until the concurrent consideration is concluded. The Complaints Coordinator will write to the Complainant explaining the reason for the decision and the nature of the concurrent consideration. Once the concurrent consideration is concluded, the complaint can be investigated as appropriate.

Resolving Complaints

At each stage in the procedure, the Academy will want to resolve the complaint if possible. 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

Informal Complaints – overview

As stated above, the Academy takes any concerns or informal complaints very seriously. The school will endeavour to resolve issues informally wherever possible to prevent matters escalating to the formal procedure. If you would like to raise concerns, please start by telling the class teacher or head of year about your concern. This is usually the best and quickest way of resolving issues.

It is recommended that you speak to the class teacher or head of year as soon as possible as this will give all parties the opportunity to discuss your concerns.

The purpose of this discussion should be to establish the issues and to seek a realistic resolution if possible.

Formal Complaints Procedure – overview

There are three stages to this procedure:-

<p>Stage 1 – Complaint Heard by Principal</p> <p>If the Principal is implicated in the complaint, this will be undertaken by the Chair of Governors.</p>	<p>Stage 2 – Complaint Heard by CEO</p> <p>Complaints referred to the CEO will be investigated by the Chair of Directors if the complaint is about the CEO.</p>	<p>Stage 3 – Complaint Heard by Complaints Review Panel</p> <p>This will consist of Governors who are not involved in the complaints process at an earlier stage who are independent to the Academy’s management.</p>
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Detailed Procedure

Stage 1 – Complaint Heard by the Principal

The Principal/Chair of Governors will acknowledge the complaint within 3 school working days. The acknowledgement will include a summary of the complaints procedure and a response date given. This will be within 10 school working days. If this date cannot be met, the Complainant will be given an update and revised response date.

The Principal/Chair of Governors should provide a formal written response to the Complainant detailing actions taken to investigate the complaint and provide a full explanation of decisions taken and the reasons for them. Where appropriate, it should include details of actions the Academy will take to resolve the complaint.

The Complainant should be provided with details of how to contact the Governing body if they are not satisfied with the response.

Stage 2 – Complaint Heard by the Chief Executive of Southern Academy Trust

The Complainant must write to the Chief Executive giving details of the complaint. Complaints must have been considered by the first stage before proceeding to panel.

The Chief Executive will acknowledge the request in writing within 3 school working days and inform the Complainant of the right to submit any further documents or information relevant to the complaint. The complainant may also be accompanied if so wished. The CEO will not consider new complaints – these will be considered at Stage 1. A deadline for submission of these documents will be given. This must be at least 5 days before the hearing.

The Academy will submit the Stage 1 response together with any written response from the Principal/Chair of Governors as appropriate. The Principal may also invite members of staff directly involved in matters raised by the Complainant to respond personally or in writing.

The CEO will hear the complaint within 20 working days of the complaint being passed to stage 2.

Stage 3 – Complaint Heard by the Complaints Review Panel

The Complainant must write to the Company Secretary giving details of the complaint. Complaints must have been considered by the first stage before proceeding to panel.

The Company Secretary will acknowledge the request in writing within 3 school working days and inform the Complainant of the right to submit any further documents or information relevant to the complaint. The complainant may also be accompanied if so wished. The panel will not consider new complaints – these will be considered at Stage 1. A deadline for submission of these documents will be given. This must be at least 5 days before the hearing.

The Academy will submit the Stage 1 response together with any written response from the Principal/Chair of Governors/CEO as appropriate. The Principal may also invite members of staff directly involved in matters raised by the Complainant to respond personally or in writing.

The Company Secretary will convene the complaints committee elected from the Governing Body. The committee should comprise at least 3 governors who have had no previous involvement with the complaint. One panel member must be independent of the management and running of the

Academy. The complaint should not be heard by the entire governing body.

The Complaints Panel will set a timetable for the hearing and should notify the Complainant of this. The review hearing should be heard within 20 school working days of receiving the request.

The aim of the panel is to resolve the complaint and achieve reconciliation between the Academy and the Complainant if this is possible. The Complainant will be able to attend and to be accompanied at the panel hearing if they so wish.

The hearing will be held in private. Any witnesses (other than the Complainant and the Principal) should only attend for the part of the hearing in which they give their evidence. Good practice would be that at no point should the Principal or the Complainant be left with the complaint panel without the other being present.

Once the panel is satisfied that they have heard all the information they need to make a decision, the Chair of the Panel should explain to the Complainant and the Principal that the committee will consider its decision and respond in writing within 15 school working days. The Complainant and the Principal should then leave.

The panel will then consider the complaint and all the evidence presented. The panel can:

- Uphold the complaint, in whole or in part.
- Dismiss the complaint, in whole or in part.
- Decide on the appropriate action to be taken to resolve the complaint.
- Where appropriate, recommend changes to the Academy's systems or procedures to prevent similar difficulties in the future.

A written response detailing the findings, decisions, recommendations and the basis on which these have been made, will be handed to or sent to the Complainant (and any supporter) by electronic mail within 15 school working days. A copy will also be sent to the person complained about where relevant. The Complainant should be notified of the right to refer their concerns to the Education Funding Agency if they are dissatisfied with the way their complaint has been dealt with.

Recording

The Complaints Coordinator will record all details of the complaint including:

- Date of receipt.
- Action taken.
- Summary of complaint.
- Brief notes of meetings and telephone calls with the progress of the complaint.
- Ensure that the staff member subject to a complaint is informed as soon as possible.
- Any written response.
- Minutes of any meetings.
- Final outcome.
- Learning from complaints.
- Panel finding and recommendations.

All functions of the complaints procedure should be mindful of the requirements of the Data Protection Act, 1998 and the Freedom of Information Act, 2000 and the requirement for

inspection under section 162A of the 2002 Act as requested. All records should be confidential.

All records are available for inspection on the Academy premises.

Publicity

Details of the Academy's complaints procedure can be found on the Academy website. www.sat.education

Monitoring of the Procedure

The Academy will monitor the operation and effectiveness of this complaints procedure as well as how information about complaints is being used to improve services and delivery.

Scope and Responsibilities of the EFA

The EFA will not usually investigate a complaint until the institution's own procedure has been exhausted. The exception being where the EFA has reason to believe that the institution is not dealing with the complaint appropriately or effectively.

Further details can be found in the EFA document ['Procedure for dealing with complaints against academies' dated November 2013.](#)

Useful Contacts

Trust Administrator (Complaints Coordinator)
Southern Academy Trust
Salisbury Road
Shaftesbury
Dorset
SP7 8ER

EFA Institution Complaints
Young People's Programme Management Education
Funding Agency
Earlsdon Park 55
Butts Road Coventry
CV1 3BH
Or <https://www.education.gov.uk/help/contactus/efa>

Policy for Unreasonable Complainants

The staff at Southern Academy Trust deal with specific complaints as part of their day-to-day management of the Academy in accordance with its Complaints Procedure. The majorities of complaints are handled in an informal manner and are resolved quickly, sensitively and to the satisfaction of the complainant.

Southern Academy Trust is committed to dealing with all complaints fairly and impartially and to providing a high quality service to those who complain and they will not normally limit the contact complainants have with the Academy. However, there are occasions when complainants behave in an unreasonable manner when raising and/or pursuing their concerns and the Academy does not

expect their staff to tolerate unacceptable behaviour. The Academy will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

In these circumstances the Academy may take action in accordance with this policy.

Aims of the policy

The aims of this policy are to:

- uphold the standards of courtesy and reasonableness that should characterise all communication between the Academy and persons who wish to express a concern or pursue a complaint
- support the well-being of students, staff and everyone else who has legitimate interest in the work of the Academy including governors and parents
- deal fairly, honestly and properly with those who make persistent or vexatious complaints and those who harass members of staff in Academy while ensuring that other stakeholders suffer no detriment

Definition of Unreasonable Complainants

The Trust defines unreasonable complainants as *'those who, because of the frequency or nature of their contacts with the Academy, hinder our consideration of their or other people's complaints'*.

A complaint can be regarded as unreasonable when the person making the complaint:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved
- refuses to accept that certain issues are not within the scope of a complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice
- introducing trivial or irrelevant information which the customer expects to be taken into account and commented on, or raising large numbers of detailed but unimportant questions and insisting they are fully answered often immediately and to their own timescales
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
- changes the basis of the complaint as the investigation proceeds
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- refuses to accept the findings of the investigation into that complaint where the Academy's complaint process has been fully and properly implemented and exhausted including referral to the DfE
- seeks an unrealistic outcome
- has a history of making unreasonable complaints
- makes excessive demands on Academy time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone whilst the complaint is being dealt with
- electronically recording meetings or conversations without the prior knowledge and consent of the other persons involved

A complaint will also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:

- maliciously
- aggressively
- using threats, intimidation or violence
- using abusive, offensive or discriminatory language
- knowing it to be false
- using falsified information
- acts in a persistent way by:
 - sending numerous letters
 - making multiple phone calls
 - sending multiple e-mails
 - leaving multiple voicemails
 - sending multiple text messages

- publishing unacceptable information in a variety of media such as in social media websites and newspapers

Action to be taken by the Academy

Whenever possible, the Principal or Chair of Governors/CEO will discuss the concerns with the Complainant informally before invoking the procedure. This will be confirmed in writing. If the behaviour continues, the Principal/CEO will write to the Complainant explaining that their behaviour is unacceptable and is being considered under this policy. The letter will specify what behaviour is unreasonable and asking them to change it. The Principal may also specify methods of communication and times in a communication plan. Any serious incident of aggression or violence the concerns and action will be put in writing immediately and the Police informed. Any legitimate new complaints will still be considered even if the person making them is, or has been, subject to the Policy for Dealing with Unreasonable Complaints.

Review

The Academy will review as appropriate, and at a minimum once in an Academy year, any restrictions applied in the context of this policy.