

# Complaints Policy

---

Policy Owner: Head of Governance

---

Approved by: Trust Board

---

Last reviewed: October 2021

---

Next review due: September 2022

---

**Due to the evolving nature of Inspiration Trust, procedures behind this Policy will be reviewed and amended accordingly to reflect changes.**

## **Introduction**

The aim of this policy is to ensure that complaints are handled sympathetically, efficiently at the appropriate level, and resolved in a timely manner.

## **What this policy covers**

This policy covers complaints about an Inspiration Trust academy. Certain issues are not covered by this policy as they are governed by separate statutory procedures. These include the following:

- Admissions – covered by the academy’s Admissions Policy and governed by the Admissions and Appeals Code. Complaints about admission appeals for academies are dealt with by independent panels organised by local authorities (LA) on behalf of individual academies.
- Whistleblowing - Academies have an internal whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised direct with Ofsted
- Exclusion of Children from School – covered by the academy’s Exclusion Policy and statutory guidance
- Matters likely to require a child protection investigation
- Statutory assessments on SEN
- School reorganisation proposals
- Staff grievance or disciplinary proceedings
- Complaints about services provided by other providers who may use school premises or facilities

Complaints will normally only be considered from those with a direct interest in the matter.

We recognise that people feel passionately about education and may express complaints in robust terms. However, where a complainant acts in an aggressive, abusive, vexatious, or otherwise unreasonable manner we may decline to further investigate a complaint.

## **Confidentiality**

Complaints made to the school and/or Trust will be treated in confidence. We aim to investigate complaints with sensitivity, preserve confidentiality and to share information only when it is a necessary part of the investigation. Confidentiality cannot be guaranteed, in particular where a vulnerable child is considered to be at risk and safeguarding procedures apply. All complaints sent to the school and/or Trust should be marked as Private and Confidential.

The complaint file will be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the Education and Skills Act 2008 requests access to it.

## **Anonymous complaints**

We will not normally investigate anonymous complaints. However, the Principal in conjunction with the Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

## **Time scales**

The complaint must 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. We will consider complaints made outside of this time frame if exceptional circumstances apply.

## **Complaints received outside 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.

## **Who can make a complaint?**

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to an academy regarding provision of facilities or services that it provides.

Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

## **The difference between a concern and a complaint**

A concern may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'.

A complaint may be defined as 'an expression of dissatisfaction however made, 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, without the need to use the formal stages of the complaints procedure. Inspiration Trust takes concerns raised about any of its Academies seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Principal will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, you will be referred to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, we will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

Parents and students should feel comfortable raising any issue, confident in the knowledge it will be dealt with fairly and without prejudice to their future treatment. We will investigate and try to resolve every complaint in a positive manner.

Complaints will be dealt with in three stages:

1. Dealing with complaints informally. All issues should be raised informally in the first instance, with those most closely involved; this provides the best opportunity for a quick resolution.
2. Formal complaint. Where a complaint cannot be resolved informally, the details should be put in writing by the complainant, and an investigation carried out by the school. In most cases, this process would be led by the Principal.
3. Panel hearing. Where a complainant has a substantial disagreement with the outcome of the formal disagreement, they may appeal to a panel hearing that will include an independent person. The panel's decision is final.

The Education and Skills Funding Agency may further investigate the handling of a complaint or investigate the breach of either the law or a funding agreement requirement. However, they will only consider whether a complaint was properly handled and not overturn the substance of a panel hearing decision.

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 the 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.

## **Resolving complaints**

At each stage in the procedure, Inspiration Trust wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review school policies in light of the complaint
- an apology.

## **Withdrawal of a Complaint**

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

## **Step 1 – Informal discussion**

Most complaints can be resolved quickly and amicably through informal discussion between parents and school staff.

Parents should contact their main point of contact at the school for example the Head of Year or Assistant Head of Year, to express their concern. If a parent is unsure of who to contact, they should telephone the school reception or main office for help.

Once contacted, staff should make a brief contemporaneous note of the complaint. The note should contain:

- the name, age / year group / house (if relevant), of the relevant student(s)
- the name and contact details of the complainant(s)
- a brief summary of the complaint, including key times and dates and any witnesses to any specific incident(s)
- any steps agreed to resolve the complaint

The staff should advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

A copy of the note should be passed to the Principal, or another delegated senior member of staff, for use in the event the complaint remains unresolved.

A follow up letter should be sent to the complainant to confirm that the informal complaint has been resolved.

In some circumstances, it may not be possible to resolve an informal complaint immediately. In such cases, the complainant should be given a clear timescale for resolving the complaint. This should ideally be resolved within 10 working days.

Where a member of staff is dealing with a complaint informally, they should check the complainant feels the matter is resolved. If it is not resolved, the complainant should be advised of the next steps in the complaints procedure.

## **Step 2 – Formal complaint**

Where an informal approach has failed to reach an agreed resolution, parents may make a formal complaint in writing to the Principal. If the complaint is about the Principal, the complaint should be addressed to the Chair of Governors.

The Principal or the Chair of Governors will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs.

If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate.

For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation should the circumstances be appropriate.

*Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.*

Representatives from the media are not permitted to attend.

To enable the school to fully carry out an investigation, the complaint letter should include:

- the name and date of birth of the relevant student(s)
- the name and contact details of the complainant(s)
- a brief summary of the complaint, including key times and dates and any witnesses to any specific incident(s)
- any steps already taken to attempt to resolve the complaint
- any suggested steps to resolve the complaint

Upon receipt of a formal written complaint, the school will acknowledge receipt and investigate the complaint within 5 term-time working days. In most cases the investigation will include a meeting between the complainant and the Principal (or nominated member of the Senior Team).

In the event the complaint is about the Principal, the meeting will be between the complainant and the Chair of Governors or a member of the Trust Executive.

A formal written response setting out the complaint, the findings of the investigation, and any appropriate steps to resolve the complaint will be sent to the complainant within 10 working days of the receipt of the complaint.

The response will also detail the complainant's ability to request a panel hearing should they remain dissatisfied.

Correspondence, statements and records relating to formal complaints will be retained by the school and kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the Education and Skills Act 2008 requests access to them.

### **Step 3: Panel hearing**

Where a complainant remains dissatisfied after a formal investigation, they may request a panel hearing of their complaint.

The request must be made in writing by the complainant within 15 working days of notification of the outcome of the formal investigation and sent to: Company Secretary, Inspiration Trust, 28 Bethel Street, Norwich, Norfolk NR2 1NR.

Upon receipt of a request, the Trust will acknowledge the receipt and convene a panel hearing on behalf of the academy within 20 working days. The complainant should be notified of the hearing time, date, and location at least 5 working days before the hearing.

The panel will be appointed by or on behalf of the academy and consist of at least three people who were not directly involved in the matters detailed in the complaint. The Trust will ensure that one panel member is independent of the management and running of the academy.

The complainant may attend and be accompanied at the panel hearing if they wish.

The panel will consider the complaint and any evidence it considers relevant, and report its findings and recommendations. The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the school/Trust will take to resolve the complaint.

A copy of those findings and recommendations will be provided within 10 working days of the panel hearing to: the complainant; the Trust; the principal; and where relevant the person complained about. Furthermore, they will be available for inspection on the school premises by the proprietor and the Principal.

The report of the panel hearing is final and no appeal is possible on the substance of the complaint.

A written record will be kept of all complaints, and whether they are resolved at the preliminary stage or proceed to a panel hearing.

### **Complaints to the Secretary of State for Education**

Parents may complain about an academy to the Secretary of State for Education. These complaints are considered on their behalf by the Education and Skills Funding Agency (ESFA).

Where a complaint is made to the ESFA, they will check whether the complaint has been dealt with properly by the Trust. 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

The ESFA will not overturn an academy's decision about a complaint. However, if the ESFA finds 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 Education (Independent School Standards (England) Regulations 2014.

If the academy's complaints procedure does not meet the Regulations, they will ask the academy to put this right. The ESFA may seek to enforce the decision under the terms of the academy's funding agreement on behalf of the Secretary of State, if appropriate.

### **Relevant legislation**

This policy fulfils the academy's responsibilities under the Education (Independent School Standards (England) Regulations 2014, Schedule 1, Part 7.

## **Appendix: Panel hearing procedures**

Panel membership: The panel will be appointed by or on behalf of the Academy and consist of at least three people who were not directly involved in the matters detailed in the complaint. The Trust will ensure that one panel member is independent of the management and running of the school.

At the hearing: Although this is a formal meeting, every effort should be made to make it as informal as possible for all concerned. Consideration should be given to the seating arrangements to make everyone feel equal and comfortable. A clerk may attend to take notes but will take no formal part in the meeting. The chair of the panel should open the meeting stating the purpose and the format of the meeting to clarify this to all in attendance. People present should introduce themselves stating their reason for being at the meeting.

The chair of the panel should request a short verbal statement from the complainant in support of their written letter of complaint and they feel the issue has not been resolved. The panel members can ask questions to make sure they understand the issue from the parent's point of view.

The chair of the panel should request a short verbal statement from the Principal in support of their written account of the complaint and the steps taken to resolve the issue. The panel members can ask questions to make sure they understand the issue from the Principal's point of view.

The members of the panel should make sure they fully understand the issues and ask any further questions to clarify any points that are still not clear to them.

The chair of the panel must ask the complainant and the Principal if they are satisfied that they have provided all relevant information and if they feel they have had a fair hearing. When the panel members understand all the issues, the chair will close the hearing.

After the hearing: The panel members will discuss the issues in private and, with the assistance of the clerk, produce a written report of findings and recommendations. A copy of the findings and recommendations will be provided within 10 working days of the panel hearing to: the complainant; the Trust; the principal; and where relevant the person complained about.