



COCKBURN
MULTI-ACADEMY TRUST
TRANSFORMATION TO EXCELLENCE

Complaints Policy

Reviewed by: The Board

Date of Policy: September 2020

To be reviewed: September 2021

INTRODUCTION

1.1. Every well governed and well managed academy/school will, from time to time, will inevitably have to deal with complaints from parents/carers. The governing body must ensure, therefore, that proper procedures are in place to deal with such complaints.

1.2. This policy should not be used to deal with complaints relating to:

- Admissions
- Statutory assessments of Special Educational Needs and Disabilities (SEND)
- Academy/School re-organisation proposals
- Complaints about services from other providers who may use academy/school premises or facilities
- Exclusion – refer to the academy/school’s exclusion policy
- Whistleblowing – refer to the academy’s whistleblowing policy
- Disciplinary allegations against members of staff – these matters will invoke the academy/school’s internal disciplinary procedures. Complainants will not be informed of the outcome of any investigation.

At any stage within the complaints procedure a decision may be made, based upon details of the complaint, to refer it to a different procedure.

1.3. Complaints should be lodged promptly or at least within 2 calendar months of the incident. If a complaint is received after this time, unless there are exceptional circumstances, the academy/school will take no further action.

1.4. Governors need to avoid prior knowledge of any issues which might later be considered by an appeal panel. In general, the need to maintain a strategic overview, rather than a day to day operational involvement, should remain paramount.

2. INFORMAL RESOLUTION

2.1. Parents/Carers should feel free to raise their concerns with the class teacher, form tutor or other appropriate member of staff either in person or by telephone in order to seek a resolution to a complaint.

2.2. The academy/school is committed to responding as quickly as possible to any issues raised i.e. members of staff will listen to parents’/carers’ concerns and seek to reach a speedy and satisfactory resolution.

2.3. If a complaint is raised directly with the Head of School/Headteacher, it is likely the Head of School/Headteacher will forward the complaint to the most appropriate member of staff in the academy/school for it to be addressed.

2.4. Complainants will, where possible, receive a response to their concern within 5 school days. If it is not possible to meet this deadline they will be informed of when a response will be made.

2.5. If, at any time the Head of School/Headteacher feel that the complaint requires an investigation and formal response, it will be dealt with under the formal procedure.

5.1. Where the complaint is about the Head of School/Headteacher, the complaint should be put in writing for the attention of the Executive Headteacher. A complaint about the Executive Headteacher should be made in writing to the Chair of the Board of Cockburn Multi-academy Trust.

2.6. If, after attempting to resolve the issue informally, a complainant remains dissatisfied with the outcome they will be provided with information about the formal procedure.

3. FORMAL PROCEDURE

3.1. If a complainant is dissatisfied with the informal resolution, they should put their complaint in writing to the Head of School/Headteacher. The complainant should:

- Set out in reasonable detail the nature of the complaint and any unresolved issues;
- Clarify what actions they believe would put things right.

3.2. A senior member of staff, who has had no prior involvement with the complaint, will investigate the complaint.

3.3. During the investigation the investigating officer may contact the complainant to clarify the details of the complaint.

3.4. The investigating officer may be required to take statements from relevant witnesses and the complainant may be accompanied by a friend or relative to speak on their behalf or help make their case.

3.5. If the complaint involves a student, he/she should also be interviewed, normally by a member of staff with whom the pupil feels comfortable e.g. learning mentor, will attend the interview.

3.6. The investigating officer should keep written records of all meetings and telephone conversations undertaken as part of the investigation together with any other relevant documentation.

3.7. A full written response will be made to the complainant within 20 school days of the written complaint being received. Outcomes to a complaint may include:

- A finding that the complaint requires no further action;
- A finding that there is insufficient evidence to reach a conclusion such that the complaint cannot be upheld;
- An acknowledgement that the situation could have been handled differently or better (this is not the same as an admission of negligence);

- An apology;
- An explanation of the steps that have been taken to ensure it will not happen again;
- An undertaking to review academy or Trust procedures in light of the complaint.

3.8. The complainant will be advised that if they are dissatisfied with the outcome they may refer the matter to the governing body.

4. APPEAL PANEL

4.1. If the complainant is dissatisfied with the formal resolution they have a right to appeal to a specially convened appeal panel.

4.2. Appeals should be lodged with the Chair of Governors within 10 school days of receipt of the formal procedure outcome. If the subject of the complaint is the Executive Headteacher the appeal should be lodged with the Chair of the Board within 10 school days of receipt of the stage two decision. Where there is a delay in submitting an appeal without good reason, the Chair of Governors/Chair of the Board may decide that the appeal is out of time and will not be heard further.

4.3. The panel will meet within 25 school days of receiving the appeal and the complainant and the Headteacher/Head of School/Executive Headteacher will be informed of the date, time and venue of the hearing.

4.4. The complainant will receive, at least 5 school days before the panel meets, copies of any relevant documentation to the complaint.

4.5. The panel will be identified by the Chair of Governors/Chair of the Board and will comprise of two governors/board members who have not been directly involved in the matters detailed in the complaint and a third panel member who will be independent of the management and running of the academy/school/Trust.

4.6. The panel will appoint its own chair, normally the Chair or Vice-chair of Governors. The chair of the panel will ensure that minutes are taken at the appeal hearing.

4.7. The panel will consider the way the complaint has been handled by the academy/school. The panel will hear the report of the investigating officer and any submissions by the complainant.

4.8. It will be open to the appeal panel to:

- Dismiss the complaint in whole or in part;
- Uphold the complaint in whole or in part;
- Decide on any reasonable action to resolve the complaint;
- Recommend changes to the Academy/School's systems or processes.

4.9. The complainant may be accompanied by a relative to speak on their behalf or help present their case. A hearing will generally be conducted in accordance with Appendix B.

4.10. The decision of the panel is final and a copy of the findings and recommendations will be provided to the complainant, and where relevant, the person complained about, within 5 school days.

4.11. A copy of the finding and recommendations will be made available for inspection on the school premises by the Head of School/Headteacher and the Board of Cockburn Multi-academy Trust.

4.12. A further stage of appeal can be taken to the Secretary of State at the Department for Education, but only on the grounds that the governing body is acting or proposing to act unreasonably or illegally.

5. RECORD KEEPING

5.1 A written record will be kept of all formal complaints detailing whether they were resolved following a formal procedure or proceeded to an appeal panel. A written record will also be kept in relation to action taken by the academy/school as a result of those complaints regardless of whether they were upheld.

6. CONFIDENTIALITY

6.1. All documentation and information retained in relation to a complaint will be treated in confidence unless there is a specific reason which would require disclosure for example a referral in relation to Safeguarding, where the Secretary of State or a body conducting an inspection under Section 109 of the 2008 Act requests access to them.

APPENDIX A: POLICY FOR UNREASONABLE COMPLAINANTS

1.0 INTRODUCTION

1.1 Cockburn Multi-academy Trust is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with our academies and schools. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

1.2 Cockburn Multi-academy Trust defines unreasonable complainants as 'those who, because of the frequency or nature of their contacts with an academy/school would cause significant disruption to the safe and effective operation of the academy/school, harass or threaten any member of staff, or engage in vexatious complaints by seeking to re-open matters that have already been the subject of a concluded complaints procedure.

1.3 Where a complainant acts in an unreasonable fashion, the Head of School/Headteacher, Executive Headteacher, Chair of Governors or Chair of the Trust Board (as relevant) may at any time inform the complainant that the complaints procedure has been exhausted and has come to an end by reason of the conduct of the complainant.

2.0 UNREASONABLE COMPLAINTS

2.1 A complaint may 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;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists 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 procedure has been fully and

properly implemented and completed including referral to the Department for Education;

- seeks an unrealistic outcome;
- makes excessive demands on academy/college time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

2.2 A complaint may also be considered unreasonable if the person making the complaint acts in a manner which is:

- malicious;
- aggressive;
- threatening, intimidating or violent;
- made using abusive, offensive or discriminatory language;
- made knowing the complaint to be false;
- made using falsified information;
- otherwise made using conduct which is intended to intimidate, harass or is otherwise similarly inappropriate.

3.0 COMMUNICATIONS

3.1 Complainants should limit the numbers of communications with the academy/school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

3.2 Whenever possible, the Head of School/Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' determination.

3.3 If the behaviour continues the Head of School/Headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact Cockburn Multi-academy Trust establishments, causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

3.4 In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from academy/school premises. Although fulfilling a public function, academies/schools are places where the safety of students and staff is paramount. The public has no automatic right of entry. Cockburn Multi-academy Trust will therefore act to ensure they remain safe places for students, staff and other members of the community.

APPENDIX B: CONDUCT OF AN APPEAL HEARING

1. The Chair will welcome the complainant and introduce the panel members;
2. The Chair will explain the appeal hearing process and ask if there are any questions. Minutes of the hearing will be taken;
3. The complainant will present their complaint along with any comment on the documents produced or the manner in which the complaint was handled;
4. Questions may then be asked of the complainant;
5. The "deciding officer" in formal resolution process will then present their reasons for why they reached their decision. Other witnesses may be invited to attend and speak where the Chair of the Appeal Hearing has agreed;
6. Questions may then be asked of the "deciding officer";
7. Where the Chair of the appeal hearing has permitted other witnesses to be present, they may present their facts and may be questioned by the complainant, the "deciding officer" and the appeal panel.
8. The Chair will invite the complainant, and then the "deciding officer" to make their final statement;
9. The Chair will then inform the complainant that the appeal panel will consider the information heard and will provide a written response within 5 academy/college days.

Appendix C - Complaints Form

Your name:
Student name:
Your relationship to the student:
Your address and postcode:
Your daytime telephone number:
Your evening telephone number:
Your email address:
Your complaint is: (if you have more than one complaint, please number these)
What action have you already taken to try and resolve your complaint(s)? (Who did you speak to and what was the response?)

What would you like as an outcome from your complaint(s)?

Are you attaching any paperwork? If so, give details here:

Your signature..... Date

All functions of the complaints procedure must adhere to the requirements of the Data Protection Act 2018 and the Freedom of Information Act 2000.

Please complete and return to the academy office in a sealed envelope addressed to the Headteacher/ Head of School/ Executive Headteacher, Chair of Governors/Chair of the Trust (as appropriate).

Office use

Date received

Date acknowledgement sent

Responsible member of staff