

Complaints Policy

This policy (and the procedure outlined within) applies across all partner schools in the Stephen Sutton Multi-Academy Trust (SSMAT). It is available on the SSMAT website and is accessible from our schools' websites.

POLICY APPROVAL and REVIEW

Review date: **Mar. '21**

Approval needed by: **Trust Board**

Adopted: **Mar. '19**

Next review date: **Mar. '23**

- 1.1 Stephen Sutton Multi Academy Trust (SSMAT) believes that it is in everyone's best interest to resolve concerns and complaints at the earliest possible stage. This policy meets the requirements of the Education (Independent School Standards (England) Regulations 2010) Schedule 1, Part 7.

2. Principles

- 2.1 The key principles that inform this policy and procedure are as follows:
- Problems and disagreements should be resolved by informal means, wherever possible
 - The complaints procedure must be well publicised and simple to use, with swift handling, clear time frames and timely progress updates
 - Decision-making must be impartial, following a full and fair investigation, as required
 - People's desire for confidentiality should be respected
 - Following resolution, complaints procedures should provide information (anonymised, as appropriate) to school leadership teams and other relevant colleagues, so that services can be improved.

3. Listening to concerns and Investigating complaints

- 3.1 When someone is unhappy with something that has happened, the way an incident has been dealt with or an aspect of the school's operations, they should be given a full hearing.
- 3.2 The person dealing with the complaint should ensure that they:
- establish what has happened, and who has been involved;
 - clarify the nature of the complaint and what remains unresolved;
 - clarify what the complainant feels would put things right;
 - speak to those involved in the matter, allowing them to be accompanied if they wish [Judgement needs to be applied here: where the complaint is a potentially serious concern, a member of the Senior Leadership Team should be consulted before collecting further information in this way. Any concern about the behaviour of a member of staff that is a potential safeguarding issue, must be referred without delay to the Head of School.];
 - conduct any meetings and discussions with an open mind.

4. Resolving complaints

- 4.1 At each stage in the procedure, the school will consider the best way to resolve the complaint. Often it is sufficient to explain what happened, to acknowledge (where appropriate) that the issue raised is a valid concern and to outline how any necessary improvements will be made. Assurances that an incident will not happen again must only be given, where there is a very strong reason for believing this to be the case. On some occasions, an apology is also appropriate.

5. A staged approach to resolving complaints

- 5.1 There are three main stages to the Trust's complaints procedure. After the first stage, the other stages are only necessary, where a satisfactory conclusion has not been reached through the previous stage(s).
- 5.2 The three stages are as follows:
- Stage One – An informal discussion with the most appropriate person (in relation to the school's / Trust's staffing and leadership structure)
 - Stage Two – A discussion with / referral to the Head of School (for school-related complaints) or Executive Headteacher (for complaints about the Head of School's management of the complaint or about a member of the Trust's core team)
 - Stage Three – A formal request to the Chair of Governors for an independent complaints panel to be convened.

5.3 Stage One

The great majority of concerns and complaints are resolved informally to the full satisfaction of those who raise them. There are many occasions where concerns can be resolved straight away, providing the complainant with the benefit of an immediate response, and avoiding the need to submit a formal complaint. Concerns should be raised with the most appropriate member of the school's staff, depending on the issue to be discussed. If in doubt, the school's reception staff should be able to contact the most appropriate member of staff. By their nature, specific timescales are not specified for dealing with concerns at this stage, but it is reasonable to expect that all issues are considered as quickly and effectively as possible.

Where an approach is made to a Governor (or Director), the complainant is referred to the policy and advised to contact the appropriate member of school staff. It is not within Governors'/Directors' remit to act unilaterally on an individual complaint outside the formal procedure, or be involved at the early stages of a case, where they may sit on a panel at a later stage of the procedure.

Where the person is dissatisfied with the outcome of the discussion, they may choose to escalate their complaint to Stage Two.

5.4. Stage Two

Where a complaint has not been resolved to the complainant's satisfaction, through the process outlined above (Stage One), they should contact the Head of School, who will offer to meet with them to discuss the matter. As appropriate, the Head of School will appoint an Investigating Officer (usually a member of the Senior Leadership Team) to gather information about the concern raised. In some circumstances, this may be possible before the Head of School meets with the complainant for a face-to-face meeting. However, sometimes the need to investigate becomes clear during the meeting with the complainant and is therefore conducted after the meeting. In this case, the Head of School subsequently makes further contact to explain the findings to the complainant.

The Investigating Officer speaks to any relevant individuals, interviews witnesses and/or takes statements from those most closely involved. This could take up to 10 working days (although it will usually be completed within five working days). Written records of meetings, telephone conversations and other documentation are kept.

Once the facts have been established, the Head of School arranges to meet the complainant to discuss the investigation. This meeting is held within 20 working days (and usually within 10 working days) from the date that the complaint was raised. Following this meeting, the complainant receives a letter summarising the discussion, the Head of School's view of the concern raised and, as appropriate, the nature of the school's response. The letter will also advise the complainant that, if they are dissatisfied with this outcome, they may escalate the complaint to Stage Three.

If the complaint is against the Head of School, or the complainant is dissatisfied with the Head of School's management of the complaint, Stage Two is carried out, or referred on to, the Executive Headteacher. If the complaint is against a member of the Trust's Core Team, it is carried out by the Executive Headteacher and if it is against the Executive Headteacher, it is carried out by the Chair of the Trust Board.

5.5 Stage Three

Complaints only rarely reach the formal Stage Three level, where the complainant is not satisfied with response at Stage Two. At Stage Three, the complainant requests a panel hearing, by writing to the Chair of Governors (via the school) explaining why they are dissatisfied with the Stage Two response. This letter should be within 20 working days of receiving the Stage Two outcome letter. Any correspondence received after this time period has elapsed may be referred back to Stage One of this process.

Complaint panel hearings are independent and impartial. All members of the panel have had no prior involvement in the complaint. The panel hearing aims to resolve the complaint and achieve reconciliation between the school and the complainant.

Within 10 working days of receiving the letter, The Chair of Governors sets up a hearing date and time and informs the complainant of this, in writing. All parties are given five working days' notice of a hearing. The complainant may be accompanied to the hearing by a friend, relative or other representative. The Head of School and/or Executive

Headteacher, as appropriate, is also invited to the hearing, but the involvement of other staff is subject to the discretion of the panel.

The hearing proceeds as follows:

- The complainant outlines their complaint
- The Panel ask questions of the complainant
- The Head of School / Executive Headteacher asks questions of the complainant
- The Head of School / Executive Headteacher outlines the school's response
- The Panel asks questions of the Head of School / Executive Headteacher
- The complainant asks questions of the Head of School / Executive Headteacher
- The Head of School / Executive Headteacher makes a final statement
- The complainant makes a final statement

[On their turn, any party has the right to call witnesses (subject to the approval of the Chair) and all parties having the right to question all the witnesses]

Following the hearing, the complaint panel considers the complaint and sends their written decision to both parties within 10 working days.

6 What happens if the complainant is dissatisfied with the Stage Three outcome?

6.1 The Education Skills Funding Agency (ESFA) is responsible for academies (on behalf of the Secretary of State for Education). Although the school, and the Trust, would wish to resolve concerns through the processes outlined above, it is the complainant's prerogative to refer their concern on to the ESFA if they are dissatisfied with the handling of the complaint. The ESFA are in a position to investigate, where one of the following circumstances applies:

- undue delay or non-compliance with a school's / Trust's own complaints procedure;
- an school's failure to comply with a duty imposed on it, under its funding agreement with the Secretary of State; or
- a school's failure to comply with any other legal obligation (unless there is another organisation better placed to consider the matter).

6.2 The ESFA are not able to overturn a school's decision about a complaint. However, they may: ask the school to reconsider the complaint, from an appropriate stage; or ask the school to change its complaints procedure, so that it complies with legal requirements.

6.3 For further information about referring the handling of a complaint to the ESFA, consult: <https://www.gov.uk/government/publications/complain-about-an-academy/complain-about-an-academy>

Stuart Jones; March '21