

AQUINAS Church of England Education Trust

"Life - Transforming - Learning"

Policy Title:	Complaints Policy
LT Responsibility:	CEO/Headteacher of each academy
Review Body:	Board of Trustees
Date:	March 2019
Review:	March 2021

The Aquinas Church of England Education Trust (the Trust) recognises the importance of resolving complaints to ensure stakeholders remain satisfied with the service provided by the Trust. This policy will be implemented fairly and impartially in accordance with the principles of the public sector equality duty as embodied in the Equality Act 2010 and the principles of natural justice.

Section A of this policy applies to complaints in relation to the operation of the central services of the Trust and not in relation to the operation or provision of education by an academy within the Trust.

Complaints relating to the operation or provision of education by an academy must be handled in accordance with the academy's complaints procedure. The Trust has delegated the responsibility for the preparation of each academy's complaints policy to the headteacher of the academy which must be prepared in accordance with section B below. The individual academy policy can be viewed on that academy's website via the link from the Trust's website. Where the complainant has exhausted an academy's complaints procedure and seeks to complain directly to the Trust, the complaint will be dealt with in accordance with Section A parts 3 to 7.

All personal data received by the Trust in connection with a complaint will be processed in accordance with data protection principles and the data protection Policy.

All staff are aware of the principles of data protection and will not process personal data unless necessary. The Trust safeguards the personal data it collects through the operation of the Trust's data protection policy and processes and the IT policy. In addition, the Trust and the relevant academy has taken steps to ensure that all its contracts that process data have the necessary data protection compliant provisions.

Section A - Complaints Procedure for Central Services of the Trust

1. This policy applies to complaints made in relation to the operation of the central services of the Trust such as finance, human resources, payroll, governance, audit, company secretarial, buildings and estates management and health and safety.
2. The Trust acknowledges individuals may have a concerns being an expression of worry or doubt over an issue considered to be important for which reassurances are sought whereas a complaint is generally recognised as being an expression or statement of dissatisfaction, however made, about actions taken or a lack of action. The Trust will seek to resolve all

concerns and complaints at the earliest opportunity possible taking into consideration the details of the complaint and the necessary investigation. This policy details the Trust's procedures in relation to complaints. **Principles**

- Complaints procedure is open to staff, parents and other interested parties.
- Procedures are as speedy as possible to ensure fairness to all.
- Confidentiality is important and communication will be treated with discretion. However, information must be shared to carry out a thorough investigation.
- All complaints will be recorded and monitored to identify issues.
- If it becomes apparent that a complaint has the potential to lead to a disciplinary issue then advice will be sought from the Director of Human Resources.

3. Procedure

- a. The Chief Executive Officer (CEO) has responsibility for this policy and its implementation. Certain operational aspects of the policy may be delegated to a member of the Trust's executive team. The complaints procedure has three stages:

Stage 1 Initial approach to informally resolve the concern or difficulty.

Stage 2 Formal complaint to CEO.

Stage 3 Referral to a complaints panel appointed by the Trustees.

- b. At each stage, we will be mindful of ways the complaint can be resolved and one or more of the following may be appropriate:
- 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 occur again.
 - An explanation of the steps that have been taken to ensure that it will not happen again and an indication of the timescales within which any changes will be made.
 - An agreement to review policies or procedures as a result of the complaint.
- c. The Trust will not normally investigate anonymous complaints. However, the CEO, if appropriate, will determine whether the complaint warrants investigation.
- d. Complaints must be raised within 3 months of the incident or where there is a series of associated incidents, within 3 months of the last incident. The Trust will consider complaints made outside this time frame in exceptional circumstances. Complaints made outside term time will be considered to have been received on the first school day thereafter.
- e. Complaints relating to admissions, statutory assessment of Special Educational Needs, school re-organisations proposals, child protection, pupil exclusions, whistleblowing, staff grievance and conduct and national curriculum content will not be dealt with under this policy.
- f. If other bodies are investigating aspects of the complaint, this may impact on the Trust's ability to adhere to the timescales detailed in these procedures or may result in the Trust's complaints procedure being suspended until the resolution of the parallel investigation.

- g. If the complainant commences legal action against the Trust in relation to their complaint, the Trust will consider whether to suspend the complaints procedures in relation to their complaint until those proceedings have concluded.
- h. If a complainant withdraws their complaint, the Academy will ask for written confirmation of the of such withdrawal.
- i. The Trust is conscious that all complainants will not be able to access the complaints process as detailed in this policy due to disability, learning difficulties and/ or difficulties using English. In such circumstances, the complainant must advise the Trust and alternative arrangements will be made.

4. Stage 1

- a. A complaint relating to the central operation of the Trust should initially be made by telephone or in writing to the member of staff concerned. The member of staff will discuss the nature of the concern, establish what outcome the complainant is seeking and assure the complainant that the complaint will be considered. Name, date and contact details must be recorded. If the member of staff is unable to deal with this, then he/she must ensure that the complainant is clear who will deal with the issue and when this will happen. A third party, acting on behalf of a complainant, can also raise the complaint as long as the third party has the appropriate consent to do so and a copy of such consent is provided to the Trust.
- b. If an interview is arranged, then members of staff may request the presence of a third party (companion). Details of the interview will be recorded during the interview and agreed by all parties at the end of the interview. The complainant must be clearly informed about what will happen (including if no action is to be taken) and the next steps or outcome should be communicated as soon as possible.
- c. If no satisfactory resolution is obtained at this stage, then the complainant must be advised to put the complaint in writing to the CEO in order to implement stage 2 of the complaints procedure. In the case of a complaint against the CEO, complainants have the opportunity to refer the matter directly to the Chair of Trustees at stage 1.
- d. It is anticipated that most complaints will be resolved by this informal stage and the Trust will endeavour to deal with complaints at this stage within 14 school days of the complainant making the complaint. Where this is not possible the complainant will be advised and a timescale for resolution provided.
- e. The complainant is not required to undertake stage 1 in order to proceed to stage 2. In certain cases, mediation may be appropriate. The Trust may suggest this as a way forward in order to allow for a full discussion of the concern and help rebuild the relationship between the parties.

5. Stage 2

- a. If a complaint progresses to this stage, the complainant will be asked to put the complaint and their desired outcome in writing to the CEO. In the case of a complaint against the CEO, the complainant should address the complaint to the Chair of Trustees. Where the complainant is unable to do so, alternative arrangements will be made.

- b. There will be a written response within three school days outlining the procedure and setting a target date for response. The CEO/ Chair of Trustees shall endeavour to deal with the complaint within ten school days of receipt of the written complaint. If the complaint requires detailed collection of information and investigation this period may be extended but the complainant will be kept advised.
- c. The CEO or Chair of Trustees will investigate the circumstances of the complaint and in doing so may request statements from members of staff and pupils and all relevant documentation.
- d. The CEO or Chair of Trustees may appoint a senior member of the Trust's executive team to collect the necessary information and conduct the investigation. Evidence and written records of all meetings and telephone calls will be collected.
- e. The CEO, Chair of Trustees or their appointed representative may choose to meet with the complainant.
- f. If the complaint concerns a member of staff, that member of staff has a right to be given details of the complaint and the opportunity to make representations in relation to the complaint.
- g. The CEO or, where the complaint relates to the CEO, the Chair of Trustees is responsible for deciding on the validity of the complaint and the action to be taken.
- h. The CEO/Chair of Trustees will then either write to the complainant or arrange a meeting to resolve the matter within ten school days of receipt of the formal complaint. If the CEO is unable to resolve the complaint within this period, she will provide the complainant with an update and revised response date.
- i. The meeting will be followed by a letter summarising the outcome. The response will detail the actions taken to investigate the complaint, details of the decision and the reasons for it. Where appropriate, it will include details of the actions the Academy will take to resolve the complaint. The letter will also inform the complainant that s/he has the right to have the complaint considered by a complaints panel appointed by the Trustees if the complainant is not satisfied with the outcome at stage 2.
- j. If the complainant is dissatisfied with the outcome of the complaint at stage 2 and requires the complaint to be heard by a complaints panel appointed by the Trustees, the complainant should notify the CEO/Chair of Trustees within 7 school days or receiving the outcome letter.

6. Stage 3

- a. It is unusual for a complaint to reach this stage but the Trustees will appoint a complaints panel to resolve the complaint. This is the final stage of the complaints procedure.
- b. The complaints panel, consisting of at least 3 people, will have had no direct involvement in the matters detailed in the complaint and one member of the panel must be independent of the management and running of the central function of the Trust.
- c. In accordance with 5.10 above, where a complainant is dissatisfied with the outcome of stage 2, the complainant can request for a complaints panel of the Trustees to consider the complaint. In such a case the complainant must notify the

CEO, or where relevant the Chair of Trustees, within 7 school days of receiving the outcome letter. Appeal requests received outside this period will only be considered in exceptional circumstances.

- d. The written complaint together with details of why the complainant is dissatisfied with the outcome of stage 2 will be sent to the complaints panel together with all other documents considered at stage 2. The complaints panel will consider the complaint afresh.
- e. The clerk will record when the complaint is received and acknowledge receipt of the complaint in writing within 3 school days of receipt of the request and will provide details of when the complaint will be heard, where possible, within fifteen school days from receipt of the notification that the complainant requires the complaint to be heard by the complaints panel.
- f. The complaints panel will convene at a time suited to both complainant and Trust which may mean that the complaint may not always be considered within fifteen school working days from receipt of the notification that the complainant requires the complaint to be heard by the complaints panel. If the complainant rejects the offer of three proposed dates, without good reason, the clerk will decide when to hold the meeting. It will proceed in the complainant's absence on the basis of written submissions from both parties.
- g. All parties, including witnesses, should have at least five school days' notice of the time date and venue of the meeting, where possible.
- h. The complainant will be invited to submit additional written evidence and allowed to bring a friend or a relative with him/her. Interpretation facilities must be made available if required. Legal representation is not encouraged except where it is appropriate to do so such as a complaint against a member of staff. Representatives of the press are not permitted to attend.
- i. All documents should be sent to all parties five school days' before the meeting, where possible. Recordings of conversations obtained covertly and without the informed consent of all parties will not normally be accepted. The complaints panel will also not review any new complaints or consider evidence unrelated to the initial complaint.
- j. The Chair of the complaints panel should ensure that full minutes are taken and that the meeting is kept as informal as possible to keep everyone at their ease. The meeting will not be recorded electronically unless it is requested by a party and all other parties agree.
- k. When all evidence and issues have been raised the Chair of the complaints panel will inform all parties that they will receive the decision in writing within three school days.
- l. The complaints panel will consider:
 - The validity of the complaint.
 - Appropriate action to be taken.
 - Recommendations on changes to ensure similar problems do not arise in the future.
- m. Details of the findings and recommendations are:

- Provided to the complainant together with a copy of the minutes. The outcome letter will provide a full explanation of the decision and the reasons and, where appropriate, the action the Academy will take to resolve the complaint. Details of who to contact at the Department of Education will also be provided if the complainant remains dissatisfied with the outcome; and
 - Available for inspection at the Trust's premises by the Trustees and the CEO.
- n. The Trust will retain all correspondence and notes confidentially. Broad outcomes will be reported to the Trustees.
 - o. The Trust will maintain a written record of all complaints made under the Trust's formal complaints procedure (stages two and three) together with details of the action taken as a result of the complaint
 - p. Where the complainant considers the response has not been dealt with appropriately, the complainant may address concerns to the Secretary of State for Education via the link below.

www.education.gov.uk/schools/leadership/schoolperformance/school-complaints-form

7. Reporting Complaints

All complaints that reach stage 2 or 3 must be reported to the Trust's Company Secretary.

Section B Academy Complaints Policy

Academy complaints policies must follow the standards detailed at Schedule 1 Part 7 of the Education (Independent School Standards (England)) Regulations 2014 which provides that the policy:

- a) Is in writing;
- b) Is made available to parents and pupils;
- c) Sets out clear time scales for the management of the complaint;
- d) Allows for a complaint to be made and considered initially on an informal basis;
- e) Establishes a formal procedure for the complaint to be made in writing where the parent is not satisfied with the response to the complaint made in accordance with sub-paragraph (d);
- f) Makes provision for a hearing before a complaints panel, as provided in the Aquinas Advisory Council Protocol, consisting of at least three people who were not directly involved in the matters detailed in the complaint where the parent is not satisfied with the response to the complaint made in accordance with sub-paragraph (e) and one panel member is independent of the management and running of the school;
- g) Allows for the complainant to attend and be accompanied at a panel hearing if they wish;
- h) Provides for the panel to make findings and recommendations and stipulates that a copy of those findings and recommendations is provided to the complainant and, where relevant, the person complained about and available for inspection on the school premises;
- i) Provides for a written record to be kept of all complaints that are made in accordance with sub-paragraph (e), whether they are resolved following a formal procedure, or proceed to a panel hearing and action taken by the school as a result of those complaints (regardless of whether they are upheld); and

- j) Provides that correspondence, statements and records relating to individual complaints are to be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

The academy's complaints policy must be available on the academy's website

Where the complaint relates to a Headteacher or Executive Headteacher, the formal stage of the complaint, detailed at (e) above, will be referred to the CEO. In circumstances where an Executive Headteacher has been appointed in relation to an academy, the formal stage of the complaint in relation to the Headteacher or Head of School of the academy will be referred to the Executive Headteacher.

All complaints which reach stages (e) or (f) as detailed above must be reported by the academy to the Trust's Company Secretary.