

# Complaints Procedure

SWALE ACADEMIES TRUST

DIRECTORS JULY 2013

## Swale Academies Trust

### Complaints Procedure

#### Introduction

1. Swale Academies Trust ("the Trust") and the School are committed to providing a high level of teaching and pastoral care for all pupils.
2. We recognise that anyone or any organisation may wish to complain about an aspect of the school and this policy applies to any complaint. We also recognise that it is more likely to be a parent or guardian who wishes to complain.
3. If a parent (a term which includes a guardian and may, at the Head of School's discretion, include the parent of a former pupil) of a pupil has a complaint in relation to that pupil, the School will seek to resolve that complaint promptly, fairly and, if possible, informally. This procedure will be used for that purpose. This policy applies to any complaint about the School.
4. Separate procedures apply if a pupil has been permanently excluded, or if a child protection issue has arisen.
5. A concern about the safety of any child should be notified immediately to the person who you believe is best placed to take urgent action and should be confirmed in writing to the Head of School.
6. This policy has been approved by the Trust Principal and the Trust's Board of Directors, and provides guidelines for handling concerns and complaints. It takes account of Part 7 of Schedule 1 to the Education (Independent School Standards) (England) Regulations 2010.
7. All time periods referred to in this Complaints Procedure (expressed as working days) apply to term time only. No days from the end of a term (or half term) count for the purposes of calculating the number of days that have elapsed. The relevant time period will

continue on the first day of the following term (or half term). Where possible however, the School will try to at least acknowledge complaints made during School holidays. Staff Development Days (SDDs) and days when school is closed do not count as part of the timescale.

8. The procedures below may be adapted as necessary to meet the policy aims and circumstances of each case. Certain of the procedures can only be carried out during term time.

## Resolution

9. If at any stage the complaint reaches resolution, the outcomes could be:

Complaint accepted as valid:

- Acknowledgement
- Restitution
- Amends
- Adjustment

Complaint not accepted as valid:

- Dismissed in full
- Dismissed in part

If complainant does not accept decision or feels the school response suffices, they can follow the appeal process.

## Stage 1 – Informal Resolution

10. A complaint may be made to any member of staff, who may be able to resolve the issue straight away. If not, the issue should be referred to a Deputy Headteacher. All complaints received must be reported to the Deputy Headteacher whether or not the issue is resolved. Formal complaints (ie in writing) should go through the Clerk to the Governors – these can be directly from the complainant or receiver of the complaint. The Clerk to the Governors will liaise with the relevant Deputy Headteacher.

11. The Deputy Headteacher will then either do everything reasonably possible to resolve the matter straightaway to the complainant's satisfaction; or, where appropriate, delegate responsibility for informal resolution of the complaint to the appropriate member of staff.

12. If one of the School's Governors or one of the Trust's Directors is approached by a complainant about a complaint, he or she must pass all relevant information to the Deputy Headteacher who will decide upon next steps. Governors and Directors will not usually become involved in the investigation or resolution of a complaint at the informal stage.

13. If after 15 calendar days of a complaint being made, a complainant is not satisfied that the matter has been resolved, he or she may proceed to Stage 2 of this procedure.

## Stage 2 – Formal Resolution

14. A complainant may complain to the Head of School. If the complaint is about the Head of School, he or she will immediately pass the complaint to the Trust Principal who will nominate a member of the Senior Leadership Team from a different School within the Trust to investigate the complaint.

15. Any complaint about the Trust Principal should be addressed to the Trust's Chair of Directors who will then nominate one of the Trust's Directors to investigate the complaint.

16. Any such complaint must be in writing. For all formal complaints the Formal Complaint Form at **Appendix 1**: to this Complaints Procedure should be used. The Formal Complaint Form has been specifically designed to help facilitate satisfactory resolutions to complaints and is available on the website or from the Clerk to the Governors.

17. Wherever possible, the Head of School will contact the complainant within 15 calendar days of receiving the complaint in order to discuss the matter and achieve an acceptable resolution.

18. Where a resolution is not reached following this discussion between the Head of School and the complainant, the Head of School may ask a member of the School's Senior Leadership Team (or, where appropriate, and with the Trust Principal's authority, a member of the Senior Leadership Team from a different school within the Trust) who has not been involved in the matters which are the subject of the complaint, to act as 'investigator'. The investigator may request additional information from the complainant and may wish to speak to them and others who have knowledge of the circumstances. The outcome of the investigation will be reported to the Head of School.

19. The Head of School's decision, and his or her reasons for it, shall be given in writing and sent to the complainant. Summary records will be kept of all meetings and interviews held in relation to any complaint.

20. Unless there are exceptional circumstances, or unless the investigator has requested additional information from a complainant which has not been provided in a timely fashion, the Head of School's decision will normally be sent to the complainant within 28 days of receipt of the Formal Complaint Form.

21. Where a complainant is still not satisfied that the matter has been resolved he or she may proceed to Stage 3 of this procedure.

## Stage 3 - Panel Hearing

22. If the complaint has still not been resolved at Stage 2 Formal Resolution, a complainant may request a Panel Hearing by sending details of a complaint which has not been resolved at Stage 2 to the Clerk to the Directors ("**the Clerk**") within seven days of the date of the decision complained of. Wherever possible, the Complaint Appeal Form at Appendix 2: to this Complaints Procedure should be used. The Complaint Appeal Form has been specifically designed to help facilitate satisfactory resolutions to appeals. The written appeal will normally be acknowledged by the Clerk within ten days of receipt during term time.

23. The Clerk shall then convene a Panel ("**the Panel**") as soon as is reasonably practicable to deal with the appeal, but the Panel will not normally sit during half-terms or School holidays. The Panel shall be made up of at least three persons, each of whom has not been directly involved in the factual matters detailed in the complaint. One member of the Panel shall be independent of the management and running of the School and the Trust. The other two members of the panel shall be drawn from the School's Local Governing Body, the Local Governing Body of any other school within the Trust, or the Board of Directors of the Trust.

24. Having acknowledged the appeal, the Clerk shall then, within 15 calendar days of receipt, inform the complainant of the composition of the Panel and schedule a hearing date for the Panel Hearing. The Panel Hearing will be scheduled as soon as reasonably practicable, and normally within 28 calendar days after receipt of the appeal.

25. The Panel may decide to require additional material or further particulars of the complaint, or any related matter. Any such additional material or further particulars shall be supplied to all parties at least 5 days before the Panel Hearing. If this timeframe cannot be complied with, the Panel Hearing may be deferred for up to 10 days.

26. A complainant may attend the Panel Hearing and be accompanied by a friend or relative. The complainant has no right to legal representation, and legal representation is generally considered neither necessary nor appropriate. However if the complainant wishes to be accompanied by a legally qualified person, the Clerk must be notified by the complainant at least 14 calendar days before the Panel Hearing. The Chair of the Panel ("**the Chair**") will then decide whether such legal representation is to be permitted. The Clerk will inform the complainant of the Chair's decision at least 7 days before the Panel Hearing.

27. The Panel Hearing will be a private proceeding chaired by one member of the Panel (chosen by the Panel members), and will be conducted in an informal manner. No notes or other records or oral statements about any matter discussed in, or arising from, the Panel Hearing shall be made available directly or indirectly to the press or other media. All those attending the Panel Hearing are expected to show courtesy, restraint and good manners. In the absence of such behaviour, after due warning, the Panel Hearing may be adjourned or terminated at the discretion of the Chair. If it is terminated, the original Stage 1 decision will stand.

28. Any person who is dissatisfied with any aspect of the way the Panel Hearing is conducted must say so before the proceedings go any further, and his or her comment will be minuted.

29. The role of the Panel is to establish the facts surrounding the complaint by considering the documents provided by both parties and any representations made by the parties at the Panel Hearing. The Panel has no power to compel any person to give evidence before it. The Panel is not empowered to make any financial award nor impose sanctions on staff, pupils or parents. At the hearing the Panel will attempt to achieve a resolution.

30. Where a resolution has not been reached, and where the Panel is satisfied that it has established all the relevant facts (if necessary having carried out further investigations) and has duly considered all that the complainant has said, the Panel shall make its findings and recommendations (if any). A possible outcome is that the panel will require additional information and the decision will be deferred for up to 10 days. The panel will then reconvene. If the Panel considers that the complaint is made out, they will uphold the complaint. If the Panel considers that the complaint is not made out, they will dismiss the complaint. These decisions will be made on the balance of probabilities.

31. The Panel's findings and any recommendations (which shall be made not later than fourteen calendar days from the date of the Panel Hearing) and its reasons for them, shall be recorded in writing and sent to the complainant, the Head of School, Trust Principal, and the Clerk to the School's Local Governing Body. Where relevant, it will also be sent to the person complained about. The decision, findings and any recommendations will be made available for inspection on the School premises by any member of the Trust's Board of Directors, the School's Local Governing Body, the Head of School or the Trust Principal.

## Confidentiality and Records

32. Any complaint will be made and considered in confidence.

33. The Trust will not reveal or disclose to any other person any correspondence, statement or record relating to a complaint made under this procedure, unless:

a. The persons to whom the Trust's obligation of confidence is owed have given their consent:

b. The information and documentation is requested by the Secretary of State or a body conducting an inspection under section 162A of the Education Act 2002; or

c. Unless the Trust is otherwise required to do so by law.

34. The Trust will keep a written record of all complaints, the dates on which they are made and of whether they are resolved at the first or second stage, or proceeded to a Panel Hearing.

35. In accordance with Data Protection principles, details of individual complaints will normally be destroyed following each School inspection. In exceptional circumstances some details will be retained for a further period as necessary.

Adopted by Directors July 2013

## Appendix 1:

### Stage 2: Formal Complaint Form

If you wish to make a formal complaint under the school's complaints procedure, please return this completed form to the school marked for the confidential attention of the Headteacher.

School:

Your name:

Address:

Day time telephone number:

Please give details of your formal complaint:

What action, if any, have you already taken to try to resolve your complaint? (Who did you speak to and what was the response?)

What actions do you feel might resolve the problem at this stage?

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

Signature:

Print name:

Date:

## Appendix 2:

### Stage 3 Appeal Stage

If you wish to make a formal appeal under the school's complaints procedure, please return this completed form to the school marked for the confidential attention of the Trust Governance Officer.

Your name:

Address:

Day time telephone number:

Please give details of your formal complaint:

What action, if any, have you already taken to try to resolve your complaint? (Who did you speak to and what was the response?)

What actions do you feel might resolve the problem at this stage?

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

Signature:

Print name:

Date: