

Amadeus Primary Academies Trust COMPLAINTS POLICY

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| Date: 21 st November 2018 | Review: 1 st September 2019 |
| Signed : Trust Chief Executive Officer | Signed : Trust Chairman |

This policy will be used across each Academy within Amadeus Primary Academies Trust for all complaints from parents/guardians or other parties. A copy of the complaints procedure will be available from each school office and on the school websites.

Introduction

We believe that our Trust provides high quality education for all our children, and that the headteachers and other staff work hard to build positive relationships with all parents. However, the Trust must have procedures in place in case there are complaints by parents or other parties. If any parent or guardian is unhappy with the education that their child is receiving, or has any concern relating to the Trust, we encourage that person to talk to the child’s class teacher or other relevant staff immediately.

We deal with all complaints in compliance with guidance and regulations set out by the Department for Education and The Education and Skills Funding Agency (ESFA) and the Education (Independent School Standards) (England) Regulations 2014.

We have adopted a three-stage process for dealing with complaints:

- Stage 1 – Complaint heard by member of staff
- Stage 2 – Complaint heard by Headteacher or Trust CEO.
- Stage 3 – Complaint heard by Complaint Panel

The Trust is a Multi Academy Trust and is the Data Controller for all the Personal Data processed by its academies and by the central team at the Trust.

Queries or complaints relating to data protection will be managed under the GDPR policy and must be referred to the DPO. Where the complaint has an element that refers to data protection, the school will deal with the complaints separately liaising with the DPO.

The Data Protection Officer (the “DPO”) is responsible for ensuring the Trust is compliant with the GDPR. This post is held at Trust level by Sabrina Bridges, dpo@apat.org.uk. The Trust has also appointed an Associate DPO, Peter Rhodes also Headteacher of Hillsgrove Primary School. Any questions or concerns about the operation of the GDPR policy should be referred in the first instance to the DPO.

Aims and Objectives

Our Trust aims to be fair, open and honest when dealing with any complaint. When considering a complaint we endeavour to deal with them as swiftly as possible. We aim to resolve any complaint through dialogue and mutual understanding and, in all cases, we put the interests of the child above all other issues. We provide sufficient opportunity for any complaint to be fully discussed, and then resolved.

Complaints Procedure

Our Complaints Procedure will:

- Encourage resolution of problems by informal means wherever possible;
- Be easily accessible and publicised;
- Be simple to understand and use;
- Be impartial;
- Be non-adversarial;
- Allow swift handling with established time limits for action and keeping people informed of the progress;
- Ensure a full and fair investigation by an independent person where necessary;
- Respect people's desire for confidentiality;
- Address all the points at issue and provide effective response and appropriate redress, where necessary;
- Provide information to the Academy's senior management team to enable services to be improved.

The Academy will be clear about the difference between a concern and a complaint. We will take concerns seriously at the earliest stage to reduce the numbers that develop into complaints.

Stage 1 – Informal Resolution

If a parent/guardian is concerned about anything to do with the education that we are providing within our Trust, they should, in the first instance, discuss the matter with their child's class teacher or other relevant member of staff. Most matters of concern can be dealt with in this way. All teachers and non-teaching staff work very hard to ensure that each child is happy at school and are making good progress; they always want to know if there is a problem, so that they can take action before the problem seriously affects the child's progress.

Our Academies operate an open-door policy and as such, parents or guardians may wish to book in some time to talk to the Headteacher if this would be beneficial in resolving your concern informally.

Should the complaint be about the Headteacher, the Chief Executive Officer will do all they can to resolve the issue informally through a dialogue with the persons concerned.

If initial attempts to resolve the issue informally are unsuccessful and the person raising the concern remains dissatisfied, if they wish to take the matter further, then the formal procedures set out below will need to be followed.

Stage 2 – Formal Resolution

If the complaint cannot be resolved on an informal basis the parent or guardian should put their complaint in writing (using Appendix 1 attached) and hand this in to the school office for the attention of the Headteacher.

The Headteacher considers any such complaint very seriously. The complaint will be investigated thoroughly by the Headteacher or a person delegated to undertake the investigation.

The Headteacher will decide, after considering the complaint, the appropriate course of action to take. In most cases, the Headteacher will meet or speak with the parents or guardian concerned to discuss the matter. If possible, a resolution will be reached at this stage.

The Headteacher will use reasonable endeavours to speak to or meet the parent or guardian within 10 school days of the formal complaint being received.

Once the Headteacher is satisfied that, so far as practicable, all of the relevant facts have been established, a decision will be made which will be communicated to the parent or guardian in writing, giving the reasons for the decision. The written decision should be provided no later than 10 school days after speaking with or meeting with the parent or guardian to discuss the matter.

Each Academy in the Trust will hold a written record of all formal complaints, including records of meetings and interviews held in relation to the complaint and the Academy's decision. The record will be retained for 1 year after the pupil leaves the Academy.

Should the complaint be about the Headteacher, it will be considered by the Chief Executive Officer who will follow the above steps.

Stage 2 – Formal Resolution Trust referral

A parent or guardian may seek to invoke Stage 2 Trust referral, following failure to reach an earlier resolution with the Headteacher in respect of their formal complaint. Such a request must be made in writing addressed to the CEO of Amadeus Primary Academies Trust.

The parent must complete the form and include the detail of the complaint and detail of the desired resolution.

The complaint will be investigated thoroughly by the CEO.

The CEO will decide, after considering the complaint, the appropriate course of action to take. In the event that a more detailed investigation needs to be completed the CEO will endeavour to resolve the matter within a reasonable time frame.

In most cases, the CEO will meet or speak with the parents or guardian concerned to discuss the matter. If possible, a resolution will be reached at this stage. The CEO will use reasonable endeavours to speak to or meet the parent or guardian within 10 school days of the formal complaint being received.

Once the CEO is satisfied that, so far as practicable, all of the relevant facts have been established, a decision will be made which will be communicated to the parent or guardian in writing, giving the reasons for the decision. The written decision should be provided no later than 10 school days after speaking with or meeting with the parent or guardian to discuss the matter.

The Trust will hold a written record of all formal complaints, including records of meetings and interviews held in relation to the complaint and the Academy's decision. The record will be retained for 1 year after the pupil leaves the Academy.

Only if Stage 2 proceedings fail to resolve the matter should a complaint progress to Stage 3. If the complaint and/or resolution is not clear it cannot progress to stage 3.

Stage 3 – Complaints Panel

A parent or guardian may seek to invoke Stage 3, following failure to reach an earlier resolution with the Headteacher or Chief Executive Officer in respect of their formal complaint. Such a request must be made in writing addressed to the Company Secretary. If Academy Holidays, the complaint can be sent to complaints@apat.org.uk. This will then be considered by the Complaints Panel.

Parents/guardians must lodge their complaint in writing within 10 working days of the date of the Academy's decision made in accordance with the Stage 2 procedure. The parent or guardian should provide, in writing, a list of the complaints made against the Academy and which they believe to have been resolved unsatisfactorily by the Stage 2 procedure, along with the remedies sought in respect of each.

The Complaints Panel is only obliged to consider the complaint lodged in this 'initial submission' although they may use their discretion to consider other relevant and related matters that may subsequently arise.

Where an appeal is received by the Academy, the Academy will, within 5 school days, refer the matter to the Company Secretary who will appoint a Clerk for the Complaints Panel. Where the appeal is received by the Trust during Academy holidays, or within 2 working days of their commencement, the Trust has 5 school days upon commencement of the school term to refer the matter to the appointed Clerk.

The Clerk provides an independent source of advice on procedure for all parties and will liaise with the Trust for legal support where appropriate.

On receipt of an appeal, the Clerk will then endeavour to convene an independent Complaints Panel hearing as soon as possible, usually no later than 20 school days after receipt of the notification from the parents/guardian that they wish to invoke Stage 3. The Panel date will be dependent upon the availability of the Panel members.

The Independent Complaints Panel will consist of three people whom will be representatives of the Trust. This will include at least one representative from the Local Governing Body of the Academy for which the complaint relates to.

The panel will not consist of a Governor that may also be a member of staff or parent unless agreed by the Trust.

The following are entitled to attend a hearing and/or, submit written representations and address the Panel:

- The parent(s)/guardian(s);
- The Headteacher of the Academy
- Any other interested person whom the Complaints Panel considers to have a reasonable and just interest in the appeal and whose contribution would assist the Panel in their decision-making.

Where required, the Complaints Panel may request any reports, documents, chronology or other useful information in advance of the hearing. Evidence will be sent to and collated by the Clerk who will distribute the information to the relevant parties in advance of the hearing.

After due consideration of the facts considered relevant, the Panel will reach a decision, and make recommendations, which it shall complete within 10 school days of the hearing. The decision reached by the Complaints Panel is final. Any decision reached that may have financial implications for the Academy will need the appropriate approval from the Academy Trust, although any such approval must be compatible with the decision of the Complaints Panel.

The Education and Skills Funding Agency (ESFA)

There is no further right of appeal to the Local Governing Body or Academy Trust. All complainants have the right, as a last resort, to contact the Education & Skills Funding Agency if they are not satisfied with the way in which their complaint has been considered. You can contact the ESFA at www.gov.uk/government/organisations/education-funding-agency/about/complaints-procedure.

The Local Authority

The Local Authority does not have a statutory duty to consider Academy complaints and you do not have a right of appeal to the Local Authority should you disagree with the decision. You may, however, raise the matter with the Local Authority if you consider the complaint wasn't investigated properly or fairly. So long as the method of investigation followed a proper procedure and considered the complaint in a reasonable manner, then the Local Authority will simply inform you of that fact. It cannot reverse a decision of the Local Governing Body or the Multi-Academy Trust.

Monitoring, Evaluation and review

The Trust Board will review this policy at least every three years and assess its implementation and effectiveness. The policy will be promoted and implemented throughout each Academy in the Trust. The Local Governing Body monitor the complaints procedure, in order to ensure that all complaints in the Academy are handled properly. Governors should take into account any local or national decisions that affect the complaints process.

This policy is made available to all parents, so that they can be properly informed about the complaints process.

Persistent or Vexatious Complaints

You may remain dissatisfied despite all the procedures having been followed and reasonable responses being provided. It may be the case that it is not possible to resolve all your concerns and meet all your wishes. Sometimes it is preferable to 'agree to disagree' and move on.

If you continue to make representations to the Academy or continue correspondence into the same issues, the Amadeus Primary Academies Trust Board reserves the right to inform you, in writing, that the appropriate procedures have all been followed, that all reasonable actions have been taken to try to resolve the issue and that the matter is now closed.

Dealing with Persistent and/or Vexatious Complaints

A vexatious or persistent complainant is **not** someone who raises legitimate concerns or criticisms of a complaints procedure as it progresses, for example, with regard to timescales, nor are they someone who is unhappy with the outcome of a complaint and are therefore seeking to challenge it.

Occasionally however there may be situations where the head teacher and/or Local Governing Body have done all they can to resolve matters, and it is therefore appropriate to consider closing a complaint as it has been on-going for some time. Alternatively, there may be some circumstances in which there will be a valid reason for not following the full complaints process. Closing complaints may be appropriate in particular where responding to continual communications from a complainant is detracting from the school's responsibility to look after the interests of all the children in its care. The Amadeus Primary Academies Trust Board therefore reserves the right to close complaints from those who demonstrate any of the following behaviours:

- frequently complaining about a variety of different matters, or the same issue through a number of different channels in an obsessive, persistent, harassing, prolific and/or repetitious manner;
- seeking unrealistic outcomes relative to the issue being raised, and stating that their intention is to persist until that outcome is achieved;
- insisting upon pursuing valid complaints in an unreasonable manner;
- persistently making the same complaint with minor differences but never accepting the outcome of any investigation into their complaint;
- challenging a historical decision/action which cannot be changed;
- contacting the school frequently in a lengthy and/or complicated way;
- behaving aggressively and provocatively towards the school and individual members of staff;
- changing aspects of the complaint or the desired outcome part way through the investigation and/or after the investigation is completed and a conclusion has been reached;
- refusing to co-operate with the investigation process;
- insisting on the complaint being dealt with in ways which are incompatible with the adopted procedure or with good practice;
- making what appear to be groundless complaints about the staff dealing with the complaint, and seeking to have them replaced by someone more senior or with a person the complainant names;
- refusing to accept information provided, for no justifiable reason;
- making statements the complainant knows are not true or persuading others to do so;
- supplying manufactured 'evidence' or other information the complainant knows is incorrect;
- raising a large number of detailed but unimportant questions and insisting that they are all fully answered;
- lodging a number of complaints in batches over a period of time, resulting in related complaints being at differing stages of the complaints procedure;
- pressing for further investigation of matters that have already been addressed;
- electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved;
- using obscene, racist, offensive or threatening language in written or verbal communications;
- threatening or aggressive or abusive behaviour in direct personal contacts with staff;
- using the vehicle of valid new complaints to resurrect issues which were included in previous complaints; and/or
- persistently sending communications which demand responses, or making telephone calls seeking interview with staff, after the school has closed the investigation into a complaint and all rights of review and appeal have been exhausted.

Any complainants demonstrating such behaviour will be given an opportunity to modify their behaviour before correspondence is closed. Correspondence received from the complainant subsequent to closure

will be kept on file, indefinitely, as will notes of telephone calls and any further personal calls referring to the matter.

Please complete and return to the headteacher who will acknowledge receipt and explain what action will be taken.

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| Your name: |
| Pupil's name (if relevant): |
| Your relationship to the pupil (if relevant): |
| Address: |
| Postcode: |
| Day time telephone number: |
| Evening telephone number: |
| Please give details of your complaint. |



**What action, if any, have you already taken to try and 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:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date: