

The *Active Learning* Trust

## **COMPLAINTS POLICY**

# **ACTIVE LEARNING TRUST**

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### **1. INTRODUCTION**

1.1 Active Learning Trust Academies will work hard to maintain good relationships with the communities they service. However, it is recognised that sometimes members of that community may want to voice a concern or even complain formally about issues related to an Academy or the Trust.

1.2 This Policy sets out how expressions of concern will be dealt with by the Active Learning Trust working in partnership with local arrangements for the direct investigation of, and response to, complaints at individual Academy level.

1.3 The Active Learning Trust is committed to developing a strong sense of partnership with staff, parents/carers and other members of the local communities served by its Academies. We believe it is right therefore, that complaints and matters of concern are, as far as possible, dealt with at the local level. We believe that most concerns and/or complaints can and should be resolved satisfactorily by informal discussions either over the telephone or through a meeting involving the key people involved.

1.4 This Policy also sets out the procedure to be followed when complaints are made about the conduct of any of the Trust's Academies or the actions of any member of staff or of the Academy Local Governing Body. The procedure excludes complaints relating to an Academy's delivery of the National Curriculum which are dealt with through each Academy's Curriculum Policy.

### **2. WHAT CONSTITUTES A COMPLAINT?**

2.1 A complaint is an expression of dissatisfaction about the standard of service, actions or lack of actions by an Academy or its staff affecting an individual or a group. Members of the public, parents/carers and pupils/students may legitimately express dissatisfaction about any aspect of the work of an Academy.

### **3. THE PURPOSES OF THE COMPLAINTS PROCEDURE.**

3.1 It is intended that concerns and/or complaints are resolved quickly and smoothly and as close to the source of the misunderstanding or problem as possible, and as informally as the circumstances will allow.

3.2 Complainants can feel assured from the outset of a fair hearing in line with a defined procedure where any matters have not been resolved informally.

3.3 Lessons learned from the investigation of complaints will improve future policy and practice.

3.4 The process of dealing with a complaint or concern will be non-adversarial with opportunities provided for resolution without conflict and with respect to confidentiality.

## **4 THE PROCEDURE**

### **4.1 WHAT COMPLAINANTS WILL BE ADVISED ABOUT MAKING A COMPLAINT**

4.1.1 Complaints must be raised within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. Complaints outside of this time frame will only be considered if exceptional circumstances apply. Complaints made outside of term time will be considered as received on the first school day after the holiday period.

4.1.2 The Head teacher or other appropriate member of staff will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) with 10 school days.

4.1.3 Complainants will be advised that a written response will be provided as soon as possible. This is expected to be within 30 school days of the date of receipt of the complaint. If the school (or Trust) are unable to meet with deadline, they will provide the complainant with an update and revised response date.

4.1.4 Anyone wishing to make a suggestion (as opposed to a complaint) will be encouraged to telephone, write or email the Head teacher at the Academy to express their ideas.

4.1.5 Where there is a concern, the person involved should raise this informally in the first instance with the child's teacher, tutor, or Head of Year- or where this is not possible or deemed appropriate with the Head teacher of the Academy. Depending on the nature of the issues raised, the Head teacher will reserve the right to delegate the investigation of the complaint to a senior member of staff. Once the matter has been investigated, feedback will be given either in writing or, more usually at this informal stage, through a discussion with the complainant.

### **4.2 FORMAL COMPLAINTS**

4.2.1 Anyone wishing to make a formal complaint will have recourse to the Procedure set out in this Policy. Formal complaints must be made in writing and should state clearly that a formal complaint is being made and set out in reasonable detail the nature of that complaint. The Head teacher or other appropriate member of staff will write to the complainant to arrange a meeting to discuss the issues, normally within 10 days of receiving

the formal complaint. The Academy may offer the use of a pro-forma for making a formal complaint where it is deemed that this may be easier for the complainant to use.

4.2.2 In the case of a lengthy investigation complainants will be kept informed of progress on a regular basis.

4.2.3 The Head teacher (or member of staff investigating the complaint) will ensure that they have a full and thorough understanding of the nature of the complaint from the complainant (especially where there is more than one issue or instance being raised). They will keep notes of interviews with the complainant, the content of which will be shared with the complainant following the meeting.

4.2.4 The investigator should carry out the inquiry into the complaint as soon as possible, keeping confidential written and dated records of interviews and other processes.

4.2.5 The investigator should finalise their report and inform the complainant of any conclusions as soon as possible following the investigation.

4.2.6 Where the complainant is unhappy with the response from the Head teacher of the Academy (or his/her staff who have dealt with the matter of a formal complaint) they should write to the Chair of the Local Governing Body of the Academy within 10 days of receiving the response. This should also be done if the complaint is against the Head teacher him/herself.

4.2.7 The Chair of the Local Governing Body will ensure that a panel of at least three persons who were not directly involved in the matter being complained about are drawn together to hear this stage of the formal complaint. This panel will consist of two members of the Local Governing body and one member who be independent of the management and running of the school. Should the Chair of the Local Governing Body believe it is inappropriate for him/her to lead on this stage of the complaint then s/he may delegate the task to the Vice Chair. The meeting of the panel will normally happen within 10 school days of the Chair's receipt of the letter concerning the unresolved complaint.

4.2.8 The complainant will be invited to attend the panel hearing and, if they wish, to be accompanied. The panel may request that further investigation of any issue relating to the complaint be undertaken before giving a written response or meeting with the complainant to convey their decision.

4.2.9 A copy of the findings and any recommendations that the panel make will be provided to the complainant where appropriate and, where relevant, the person complained about. The findings and recommendations will also be available for inspection on the school premises or at the Trust central offices, by the Trust and the Headteacher.

This will include a record of any action taken as a result of the complaint (regardless of whether they are upheld).

4.2.10 Where the complaint is about the Chair of the Local Governing Body him/herself, or where the process above has not resolved the complaint, then the complainant may ask that the matter be reviewed by the Chief Executive Officer of the Active Learning Trust. The Chief Executive may appoint one of his/her officers to deal with the matter, and may ask for further information or a further meeting with the complainant where he/she feels this is necessary. The Chief Executive may also request information from, or meetings with, the Chair of the Local Board and/or the Head teacher of the Academy in the process of considering all of the circumstances and context of the complaint.

4.2.11 A final response will be sent to the complainant at the conclusion of this process and the response from the Chief Executive of the Trust is the final stage of the formal complaints procedure.

4.2.12 Complainants will be advised that if they are not satisfied with the handling of their complaint they can contact the ESFA via the following link: [schools complaints form](#).

## **5. OTHER MATTERS**

5.1 Confidential written records will be kept of all complaints (including correspondence, statements, notes of meetings & records) indicating whether they were resolved at the preliminary stage or whether they proceeded to a panel hearing. Confidentiality will be insured, except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

5.2 On a few occasions a complaint may lead to disciplinary action for a member of staff. In such cases the complainant will be told that disciplinary procedures are being followed but will not be told the outcome of these.

5.3 If a complainant makes a series of unreasonable complaints, or makes unreasonable attempts to re-open complaints that have been closed appropriately by the use of this procedure and within this Policy, the Academy or the Trust will advise the complainant that the matter will not be further dealt with.

5.4 Whilst the formal stages of the Complaints Policy are being applied, efforts will be made, where possible, to resolve the issues by the use of negotiation, conciliation or mediation outside of the complaints procedure itself, on the understanding that any such attempts will not in any way affect the rights of any individual within the complaints procedure.

5.5 The Academies of the Active Learning Trust will work within the law concerning data protection and confidentiality. This means that no personal information about a third party can be disclosed without that person's consent.