

THE ROBINSWOOD ACADEMY TRUST – GENERAL COMPLAINTS POLICY & PROCEDURE

1. INTRODUCTION

Each of the Academies that make up the Robinswood Academy Trust ("the Trust") strives to provide an excellent standard of education for all pupils. They seek to create an open, welcoming and approachable atmosphere where parents and pupils feel able to comment on their experience and to be partners with the Academy in achieving the goals of the school and of the individual pupils in the school.

However, we recognise that there will be times when parents, pupils or others affected by the Academy will want to raise a concern or make a formal complaint. This policy sets out how the Trust will respond to complaints and the principles that will apply to all the constituent Academies.

2. ACADEMY COMPLAINTS POLICY - COMPLAINTS PROCEDURE

A: INTRODUCTION

The purpose of the following policy is to establish a structure whereby parental complaints can be heard and resolved. It is not intended that the procedures in this document should replace normal discussion on day to day problems and concerns as they arise. It is only when a complainant remains dissatisfied with the outcome of such discussions that further steps will need to be taken.

In order for complaints to be resolved as quickly and fairly as possible, the Trust requests that complainants do not discuss complaints publicly via social media such as Facebook and twitter. Complaints will be dealt with confidentially for those involved, and we expect complainants to observe confidentiality also.

B: PRINCIPLES

The following principles underpin the Complaints Policy:

- Parents will have ready access to the Complaints Procedure
- Complaints will be handled in a conciliatory, as opposed to a confrontational, manner
- All parties involved have equal rights
- All proceedings, 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.
- Written records taken and used throughout the complaints process, including correspondence, notes of meetings, telephone calls etc., will kept securely and in accordance with the principles of the General Data Protection Regulation (GDPR) and Data Protection Act 2018.
- There will be close monitoring of all complaints, with results shared with the Academy Board, and if reaching Stage 3, the Board of Trustees.

C. COMPLAINTS PROCEDURE

There are 4 stages outlined in the Complaints Procedure:

Stage 1: Informal resolution

Stage 2: Referral to the Head of School

Stage 3: Complaint referred to Executive Head Teacher (EHT)

Stage 4: Complaints Appeal Panel

Stage 1:

- a) In the case of unresolved concerns relating to a member of staff or school procedure including those received by an Academy Board Member or Trustee from a parent, the complainant should make contact with the Head of School in the first instance.
- b) An informal meeting will be arranged at the earliest convenient time to all parties where it is anticipated the complaint can be dealt with to the satisfaction of all parties. The Head of School will endeavour to resolve the concern informally, during the course of which investigation they may invite a third party in to observe any relevant meetings. Any member of staff complained against will be kept fully informed of the content of the complaint and will be given an opportunity to explain their actions. Should the complaint be about the Head of School, the EHT will deal with the complainant at this stage.

It is anticipated that the majority of parental concerns relating to the school procedures, organisation or education provided can be resolved at this early stage with the class teacher or Head of School. In the event of this not being the case, the following procedure is available to the complainant.

Stage 2:

- a) Formal Resolution where the Head of School of the Academy, acknowledges the complaint within five school days and arrange a meeting to clarify and supplement any information given.
- b) The Head of School investigates further, interviewing witnesses if appropriate, keeping written records of meetings, telephone conversations and any relevant documents.
- c) Once the complaint has been investigated the Head of School will provide a written response to the complainant with any actions taken clearly listed within 10 school days

Stage 3:

- a) If the matter cannot be resolved at this point the complainant is advised to write to the EHT.
- b) The EHT will acknowledge the complaint in five school days and then seek to meet with the complainant at the earliest convenient date for each party. The complainant may be accompanied by a friend.
- c) The EHT will seek to find out what resolution the complainant is seeking and why the resolution the Head of School has put in place has not been satisfactory. The EHT will seek to resolve the matter and will respond in writing within 10 school days, with their findings or actions if necessary. If resolution is not achieved the complaint reaches Stage 4.

Stage 4 - Complaints Appeal Panel:

Role and Make-up of the Complaints Appeal Panel

- a) The Complaints Appeal Panel will be made up of at least three members. At least two will be representatives of the Board of Trustees who have had no prior involvement or knowledge in the complaint and at least one will be an entirely independent member who has no connection to the Multi-Academy Trust Board or the individual academies.
- b) The role of the Complaints Appeal Panel is to review the complaint made by an individual and the response of the individual academy to that complaint. It is NOT an adversarial process therefore there will not be an opportunity for either party to enter into a debate with the other over the information presented to the panel. The Complaints Appeal Panel will hear information from all parties and then reach a decision.
- c) A meeting will be arranged within 20 school days of receipt of the written complaint, at which the complainant will be invited to present his/her case. See Appendix 1 for the conduct of the hearing. The Complaints Appeal Panel will communicate its decision to all concerned parties, in writing, within 10 school days of the hearing. This communication will include:
 - an explanation of how the decision has been reached
 - any action to be taken
- d) If the complainant does not agree with the decision, then they have exhausted the organisation's procedures and may take their complaint to the Education and Skills Funding Agency (ESFA). Complainants wishing to take their complaint to this stage should write to the ESFA at ESFA Complaints, Chief Executive's Office, Cheylesmore House, Quinton Road, Coventry CV1 2WT.
- e) The ESFA will examine if the school's complaints procedure and other policies were followed in accordance with the provisions set out and check if they adhere to education legislation. However, the ESFA will not investigate the substance of the complaint.

D: STATUTORY RECORDING

- The Academy will keep a written record of all complaints that are resolved under the formal complaints' procedure (Stage 2 onwards). This will include at what stage the complaint was resolved.
- The record will include a record of the complaint made and any findings, recommendations and any actions taken.
- The findings and any recommendations will be made available to the Executive Headteacher, Head of School and Multi-academy Trust Board.
- All proceedings, 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.
- Written records taken and used throughout the complaints process, including correspondence, notes of meetings, telephone calls etc., will be kept securely and in accordance with the principles of the General Data Protection Regulation (GDPR) and Data Protection Act 2018.

- The Head of School of each Academy must publicise the Complaints Policy, in writing, to staff, parents and pupils. The policy must be published on its website and the address and details (of the website) made known to parents.

3. TRUST COMPLAINTS

In the event of a complaint to the Trust about its activities the EHT will deal with the complaint, unless it is about the EHT, when it will be dealt with by the Chair of the Board of Trustees.

The procedure for dealing with Trust complaints are set out below.

TRUST COMPLAINTS PROCEDURE

Stage 1 - Complaint referred to EHT

- a) Face to face meeting within 10 working days with the complainant who has the right to be accompanied. EHT will explore whether an informal resolution is possible and make a record of the conversation.
- b) If the complainant agrees to an informal resolution, the EHT will conduct the appropriate investigation, take action that s/he considers appropriate and write to the complainant within 5 school days of completing the actions.
- c) Where the complainant does not wish an informal resolution, the EHT will conduct the appropriate investigation and arrange a further meeting with the complainant to discuss what action is proposed.
- d) If the complainant agrees with the action proposed, this ends the complaint. The EHT completes the actions and writes to the complainant within 5 school days of the action being taken.
- e) If the complainant does not agree with the action proposed, then the complaint moves to Stage 2.

Stage 2 - Complaint referred to Chair of the Board of Trustees

- a) Face to face meeting within 10 school days with the complainant who has the right to be accompanied. The Chair will explore the reasons why the complainant disagrees with the action proposed by the EHT and make a record of the conversation.
- b) Chair meets with EHT to explore options and seek a negotiated solution. The Chair may take what action s/he feels fit e.g.
 - a. Arrange further meetings with complainant
 - b. Ask the EHT to do some further investigation
 - c. Seek other information or advice
 - d. Arrange for mediation
- c) Chair then decides on best course of action and writes to the complainant with his/her findings.
- d) If the complainant agrees with the action proposed, this ends the complaint. The Chair completes the actions and writes to the complainant within 5 school days of the action being taken.
- e) If the complainant does not agree with the action proposed, then the complaint moves to Stage 3.

Stage 3 - Review by the Complaints Appeal Panel

- a) The complainant writes to the Complaints Appeal Panel setting out the reasons why they do not agree with the proposed action. The Complaints Appeal Panel convenes a Hearing at which the complainant (and companion if they wish) states their reasons and is questioned by the panel. The Chair of the Board of Trustees attends to give information about what has been done to date and may be questioned by the Complaints Appeal Panel and/or the complainant.
- b) The Complaints Appeal Panel retires to consider the case and make their decision. They write to the complainant within 10 school days of the Hearing.
- c) If the complainant does not agree with the decision, then they have exhausted the organisation's procedures and may take their complaint to the Education and Skills Funding Agency (ESFA). Complainants wishing to take their complaint to this stage should write to the ESFA at: ESFA Complaints, Chief Executive's Office, Cheylesmore House, Quinton Road, Coventry CV1 2WT.
- d) The ESFA will examine if the school's complaints procedure and other policies were followed in accordance with the provisions set out and check if they adhere to education legislation. However, the ESFA will not investigate the substance of the complaint.

APPENDIX 1

FORMAL COMPLAINT TO COMPLAINTS APPEAL PANEL - CONDUCT OF HEARING

The procedure will be as set out below but will be conducted as informally as possible. The Hearing will be minuted.

1. Conduct of Hearing

- i) The complaint will be heard by the Complaints Appeal Panel. The Complainant, School's Representative or Person Complained About (PCA) will usually be present. All parties are able to bring a representative with them to support them. These representatives should not form part of the presentations of either party. The Complaints Appeal Panel must be informed that a representative will be joining the meeting.
- ii) Procedure explained, including the role of clerk.
- iii) Complainant will present details of their complaint to the panel.
- iv) Questions to complainant by the panel in order to establish clarity.
- v) A representative of the school or PCA will present details of the school's or their individual response to the complaint up to the point of the hearing.
Questions to the school's representative and/or PCA by the Complaints Appeal Panel in order to establish clarity.
- vi) Concluding remarks by the Chair of the Complaints Appeal Panel and explanation of what happens next.

Conduct of all participants at the Hearing:

- It is expected that all participants will behave in a reasonable manner.
- The purpose of the Hearing is to consider the facts and opinions presented by all parties and reach a decision.
- **The Complaints Appeal Panel alone has the right to question any participant.** This is not an adversarial procedure and each participant is reminded that they may only speak directly to the panel during their scheduled time.
- Any participant who behaves in an adversarial way or who does not follow the procedure laid down by the Complaints Appeal Panel at the start of the Hearing (ii) will be asked to leave and the hearing will be conducted without them.

2. The Decision

- i) The Complaints Appeal Panel can:
 - a) uphold the complainant in full
 - b) uphold it in part
 - c) dismiss it.
- ii) The Complainant, School's Representative and/or PCA will be informed in writing as soon as possible, but no longer than 10 school days after the Complaint's Appeal Panel's decision.
- iii) There is no further recourse to the Trust for the Complainant. If the complainant does not agree with the decision, then they have exhausted the organisation's procedures and may take their complaint to the Education and Skills Funding Agency (ESFA). Complainants wishing to take their complaint to this stage should write to the ESFA at:
ESFA Complaints
Chief Executive's Office
Cheylesmore House
Quinton Road
Coventry CV1 2WT

APPENDIX 2

The Education Reform Act 1988 requires the establishment of arrangements for the consideration of parental complaints relating to the school's provision for the National Curriculum. If a parent wishes to register a complaint regarding the failure of the school to provide a curriculum in line with the Act, including religious education and worship, then the Head of School, in the first instance, should be approached. The school's governing body and the Education Skills Funding Agency might also be involved. On any other matter, and dissatisfaction should also, in the first instance, be expressed to the Head of School.

Complaints for which a Specific Procedure is laid down

a. Child Protection

Any complaint involving an allegation of child abuse should immediately be referred to the Gloucestershire

Local Authority. In cases where the allegation is against a member of staff, contact: Nigel Hatten, Local Authority Designated Officer (LADO) – Tel 01452 426994

b. Complaints against failure to assess a child's Special Educational Needs

If the complaint is about the school's responsibilities at the Additional Needs Level, the head teacher should deal with the complaint. If the complaint concerns statutory assessment or children with an Education, Health and Care plan, the parent should contact Gloucestershire Local Authority – SEN casework.

c. Complaints about non-availability of a school place

If a place at the parents' preferred school is not available and parents are not prepared to accept the place offered at another school, they have the right to appeal to the school appointed appeals panel. Contact the Executive Headteacher in the first instance

d. Complaints about the curriculum

Complaints within this category include those concerning:

- provision of the National Curriculum
 - provision of Religious Education and worship
 - exemptions from the National Curriculum
 - operation of charging policy in relation to the curriculum - compliance with regulations about the provision of information
- Complaints should be dealt with by the head teacher.

e. Complaints against staff

If it appears that disciplinary action against a member of staff may be necessary, the Conduct Procedures detailed in the TRAT Staff Conduct Policy should be followed.

f. Confidential complaints by staff ("Whistle Blowing")

The TRAT Whistleblowing Policy should be followed. 'Whistle Blowing' allows school staff who are concerned about possible malpractice or corruption at work to raise such issues in confidence. Areas covered by the Code include:

- gifts, hospitality, and sponsorship;
- use of school facilities and equipment;
- membership of a secret society.

g) Complaints about Racist Incidents

A racist incident is defined as “any incident which is perceived to be racist by the victim or any other person”. This definition has been agreed by the Government, the LA and Police Service. Guidance on responding to racist incidents is provided in the LA guidance “Racial Harassment in Schools”, which can be found on their website.