



GREENWOOD ACADEMIES TRUST

Complaints Procedure

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1. What is a Complaint?

The Trust takes very seriously any concern or complaint about the education or other services we provide or about the conduct of our staff. We believe that by tackling concerns at the earliest possible stage it allows us to improve relationships, enhance learning, prevent issues escalating and reduce the number of formal complaints we receive.

We define a concern as follows:

“an expression of dissatisfaction made orally about any aspect of the Academy or Trust”.

We define a complaint as follows:

"an expression of dissatisfaction made in writing about the standard of service, actions or lack of action by the Academy or Trust affecting an individual or group".

If a concern is expressed orally, we will try to resolve it using the procedures set out below for dealing with concerns. If a complaint is made in writing, we will use the formal complaints procedure, also set out below.

2. Application of the Complaints Procedure

Legally, all schools, academies and Trusts must have a complaints procedure which deals with the handling of complaints from the **parents of pupils**. This procedure is for the express use of parents of pupils.

The Complaints Procedure will be used to consider any complaints about the Academy/Trust, except those which relate to the following areas, which have their own statutory procedures:

- Admissions
- Exclusion of pupils
- Special education provision
- Complaints covered by the Children Act 1989
- Complaints about the allocation of pupil awards and benefits.

The Complaints Procedure will also not cover complaints which are, or have been, the subject of legal proceedings, or complaints being considered by the Secretary of State for Education under any statutory power.

3. The Trust's Principles for Dealing with Concerns and Complaints

The Trust will:

- take all concerns and complaints seriously
- make every attempt to resolve concerns by informal means without the need to use formal procedures
- publish its complaints procedure, make it easily accessible and simple to understand and use
- be fair, open and honest when dealing with any concern or complaint
- give careful consideration to all concerns and complaints and deal with them as swiftly as possible, keeping people informed of progress
- resolve any concern or complaint through dialogue and mutual understanding and, wherever possible, put the interests of the child above all other issues
- provide sufficient opportunity for any concern or complaint to be fully discussed, and

then resolved

- deal with concerns or complaints in an impartial and non-adversarial manner
- ensure a full and fair investigation of a complaint is undertaken by a person who has not been directly involved in the matter
- address all the points at issue and provide an effective response and appropriate redress, where necessary
- respect people's desire for confidentiality
- use the outcome of a complaint to reflect on the services provided by the Academy/Trust so, if necessary, they can be improved.

Within this procedure, reference to "academy days" excludes weekends and academy holidays and periods of partial or total academy closure.

4. Dealing with Concerns in individual Academies within the Trust

We recognise that parents and carers will, from time to time, have normal and legitimate concerns about the progress, achievement, behaviour or welfare of their child, or about other matters connected with the Academy.

We encourage parents and carers to make those concerns known to the relevant member of staff so that they can be addressed on an informal basis and in partnership with the Academy. Almost invariably, the sooner such concerns are raised, the easier it is for an appropriate resolution to be found.

A concern may be raised with any member of staff. For parents, this would normally be your child's tutor, teacher or Head of Year (or equivalent) and for others this would normally be the Academy Principal.

If parents have a concern with the operation of the Academy Advisory Council, it should be raised with the Principal. That person will try and resolve the matter or will refer you to the appropriate person. Many concerns are resolved immediately but, if this is not possible, a member of staff will respond to you within five (5) academy days.

The member of staff will make a written record of the concern that was raised and the date on which it was received. If you are not satisfied with the outcome of the complaint, you will be advised to proceed to make a formal complaint.

5. The Stages for Handling a Formal Complaint about an Academy

Stage 1 – the complaint will be investigated by the Principal and, if resolved satisfactorily at this stage, the procedures are completed.

Stage 2 – if not resolved at Stage 1, the complaint will be reviewed by a senior member of the Trust's Education Directorate. If resolved satisfactorily at this stage, the procedures are completed.

Stage 3 – if not resolved at Stage 2, the complaint will be considered by a complaints panel constituted in accordance with section 9 of this policy.

If you are still not satisfied with the outcome when the complaint has been through all three formal internal stages then you have recourse to complain directly to the Education and Skills Funding Agency. The link to the ESFA is below:

[How ESFA handles complaints about academies - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

6. Complaints about the Academy Advisory Council and certain individuals

Where the complaint relates to the Academy Advisory Council or individuals holding certain positions within the Academy or Trust the complaint will be investigated by the individual set out in the table below and then in accordance with the timetable and principles that are set out in this policy relating to stage 1 complaints about the Academy.

Complaint is about	Who will consider the complaint	Where to send complaint
Academy Advisory Council	Principal	By email to the Principal
Principal of an Academy	Senior Member of the Education Directorate	By email to complaints@greenwoodacademies.org
CEO	Chair of the Trust	
Trustee	CEO	

If the complaint is not resolved satisfactorily at this stage, the procedures are completed. If you are not satisfied with the response to the complaint, the next step is to request that a complaints panel is convened in accordance with section 9 of this policy.

7. How to make a formal complaint about an Academy – stage 1

Complaints should be raised as soon as possible. A complaint made more than three months after the event complained of will not be considered, save in exceptional circumstances.

We strongly encourage you to use the Complaints Form provided at Annex 1 of this procedure. If you require help with completing the form, please contact the Academy office. You can also ask third party organisations like the Citizens Advice to help you. In all cases your written complaint must include:

- the nature of the complaint;
- details of how the matter has been dealt with so far;
- the names of potential witnesses, dates and times of events and copies of all relevant documents; and
- a clear statement of the actions that you would like us to take to resolve your complaint.

Complaints about the Academy should be sent to the Principal. Receipt of your complaint will be acknowledged in writing within two (2) academy days.

The complaint will be investigated and responded to in accordance with the principles and timeframes set out in this procedure.

Anonymous complaints will not be investigated, save in exceptional circumstances, as we are unable to respond to the complainant. (These circumstances would include serious concerns such as child protection issues or bullying allegations, where the Academy or Trust is either required to involve appropriate external agencies or might conduct its own internal review to test whether there is any corroborative evidence which might trigger a formal investigation).

8. Stage 2 – review of complaint

If you remain dissatisfied with the decision under Stage 1, the complainant should contact the Trust using the following email address: complaints@greenwoodacademies.org

You should write within 15 academy days of receiving notice of the outcome of Stage 1. Requests received outside of this time frame will only be considered if exceptional circumstances apply. You should ensure that you provide copies of all relevant documents, including the grounds for your complaint and the reasons you are not satisfied with the outcome of stage 1 of this procedure.

A Senior Educational Lead will review the documents provided and carry out such further investigatory steps as they see fit and having in mind the principles set out within this policy.

The stage 2 complaint will be responded to by the Senior Educational Lead in accordance with the principles and timeframes set out within this policy.

9. Stage 3 - Referral to the Complaints Panel

If you remain dissatisfied with the decision under Stage 2 (or stage 1 in the case of the individuals/bodies listed in section 6), you may request that a complaints panel be convened to consider the complaint. The panel will not review any new complaints at this stage or consider evidence unrelated to the initial complaint. New complaints must be dealt with from Stage 1 of the procedure.

To request a hearing before the complaints panel, you should write to the Clerk to the Trustees at the following email address: complaints@greenwoodacademies.org

You must do this within 15 academy days of receiving notice of the outcome of Stage 2 (or stage 1 in the case of the individuals/bodies listed in section 6). Requests received outside of this time frame will only be considered if exceptional circumstances apply. You should ensure that you provide copies of all relevant documents and state all the grounds for your complaint and the outcome that you are looking for.

Your written request will be acknowledged within 5 academy days of receipt.

The Clerk will arrange for a complaints panel to be convened, made up of at least three members, including:

- trustees of the academy trust with no prior involvement in the matter; and,
- at least one person who is independent of the management and running of the academy.

The Clerk shall appoint one of these members to be the Chair of the panel.

Every effort will be made to enable the hearing to take place within 20 academy days of the receipt of your request.

As soon as reasonably practicable and in any event at least 5 academy days before the hearing, you will be sent written notification of the date, time and place of the hearing, together with brief details of the panel members who will be present. Fair consideration will be given to any bona fide objection to a particular member of the panel. You will also be informed of the name of the person who will be presenting the case on behalf of the academy (referred to in this policy as the 'academy representative'). This may be the person who is the subject of the

complaint, the person who undertook the investigation at Stage 2 (or stage 1 as applicable) or another person with sufficient knowledge of the matter.

If, despite best efforts, it is not possible to find a mutually convenient date and time for a hearing within a reasonable timeframe, the Clerk may determine that the hearing proceeds on the basis of written submissions from both parties.

You have the right to be accompanied to the hearing by a friend, relative, advocate or interpreter. They should notify the Clerk in advance if they intend to bring anyone to the hearing.

A copy of the complaint and any other documents provided by you in support of your complaint, or by the academy representative in defence of the complaint, will be provided to the complaints panel as soon as practicable upon receipt. Copies of these documents shall also be provided to you or academy representative (as applicable) at least 3 academy days before the hearing. The complaints panel reserves the right not to consider any documentation presented by either party less than 3 academy days prior to the hearing.

The complaints panel is under no obligation to hear oral evidence from witnesses but may do so and/or may take written statements into account. The panel will not normally accept recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The hearing will be conducted to ensure that each party has the opportunity to address the complaints panel. The procedure to be followed during the hearing will be explained to the parties by letter in advance of the hearing. The Clerk will ensure that sufficient notes are taken to record an accurate reflection of the points considered and any decisions taken or actions agreed. Electronic recordings of the hearing will not normally be permitted and, in any event, would require the consent of all those present.

Unless otherwise stated, the procedure for the Stage 3 hearing is as follows:

- the complainant and academy representative will enter the hearing together;
- the Chair of the panel will introduce the panel members and outline the process;
- the complainant will explain the complaint;
- the academy representative and panel members will question the complainant;
- the academy representative will explain the academy/trust's actions;
- the complainant and the panel members will question the academy representative;
- the complainant will sum up their complaint;
- the academy representative will sum up the academy/trust's actions;
- the Chair of the panel will explain that both parties will hear from the panel within 5 academy days;
- both parties will leave together while the panel decides;
- the Clerk will stay to assist the panel with its decision making.

The Clerk and/or complaints panel reserves the right to modify the above procedure at their sole discretion, for example requiring the complainant and the academy representative to present their complaint/actions separately to the panel in the absence of the other party.

After the hearing, the complaints panel will consider their decision and inform you and, where relevant, the person complained about of their decision in writing within 5 academy days. The

letter will set out the decision of the panel together with the reasons underpinning that decision. The panel can (by a majority if necessary):

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint;
- recommend changes to the academy or trust systems or procedures to ensure that problems of a similar nature do not happen again

The findings and recommendations of the panel will be available for inspection by the trust and the Principal of the Academy.

10. Confidentiality and records

All complaints will be treated as confidential. Only those members of staff concerned with investigating the complaint will have access to documentation relating to the complaint. No confidential information regarding the investigation will be made available publicly.

However, it should be noted that if any action taken by a member of staff is the subject of a complaint, then that person should be advised of the complaint made against them.

A record will be kept of all written formal complaints, including at what stage they were resolved and action taken by the Academy/Trust as a result of those complaints regardless of whether they were upheld. Correspondence, statements and records relating to individual complaints will be kept confidential except where:

- access is requested by the Secretary of State;
- disclosure is required in the course of a school inspection;
- an individual has a legal right to access their own personal data contained within such documentation; or
- under other legal authority.

11. Investigating the Complaint

The individuals leading each of the stages of the complaint may delegate the investigation to an appropriately senior member of staff who has no connection with the complaint, but the resolution of the complaint and a decision about any action to be taken rests with the individuals identified as responsible for each stage (per sections 5 and 6 above).

The person/s investigating or reviewing the complaint must :

- clarify the nature of the complaint and what remains unresolved
- establish what has happened so far, and who has been involved
- ascertain what the complainant feels would put things right
- maintain an open mind
- consider all relevant evidence which may include but is not limited to: steps taken to resolve the matter informally, the original statement of complaint, relevant

correspondence and supporting documents, meeting with the complainant and interviewing anyone involved in the subject of the complaint.

- keep written records of the investigation.

Annex 3 of this policy sets out further principles for stage 1 investigations.

The Academy/Trust will retain written records of all of the parts of investigation at each stage, including notes of all meetings, interviews, discussions and telephone calls, in case the complaint is taken further.

12. Resolving the Complaint

At each stage in the procedure the Academy/Trust will keep in mind ways in which a complaint can be resolved. It may be sufficient to acknowledge that the complaint is upheld in whole or in part. Alternatively, the complaint may not be upheld, and this may be because there is insufficient evidence to substantiate the complaint. To support the resolution, it will usually be appropriate to offer one or more of the following:

- an apology (which does not imply liability)
- an explanation (especially where the complaint is not upheld)
- an admission that the situation could have been handled differently or better
- an assurance that the event complained of will not recur
- an explanation of the steps that have been taken to ensure that it will not recur
- an undertaking, if necessary, to review policies or procedures in light of the complaint.

Where, as a result of the complaint, the Academy/Trust takes actions that are themselves confidential, it may be necessary to inform the complainant that the matter has been fully investigated and that the appropriate procedures are being followed (for example where staff disciplinary procedures are being followed).

13. Providing a Response

All complainants should be provided with a written response which sets out the Academy's/Trust's findings and recommendations within a target period of fourteen (14) academy days for Stage 1 and twenty one (21) academy days for Stage 2. The timescales for stage 3 are set out in section 9 above.

Where the nature of the investigation is such that the complaint cannot be resolved within these timescales, a holding letter will be sent giving an indication of the date on which a response will be made.

The response is sent by the person(s) at the relevant stage making the resolution but may be drafted by the member of staff investigating the complaint. All response letters will be read by another person of suitable seniority to assure their quality.

14. Publication of the Complaints Procedure

The Complaints Procedure will be available from the reception office on each Academy site. It will also be published:

- in the information given to new parents when their child first joins the Academy (in an abbreviated version)
- on the Academy/Trust website

- in documents supplied to community users including course information and letting agreements (in an abbreviated version).

15. Unreasonably persistent and unreasonable complainant behaviour

There are rare circumstances where we will deviate from the Complaints Procedure set out above. These include, but are not necessarily limited to:

- where the complainant's behaviour or language towards staff, members of the Academy Advisory Council or trustees is abusive, offensive, discriminatory or threatening;
- where the complainant's behaviour is hindering our consideration of complaints and/or the proper running of the Academy because of the frequency or nature of the complainant's contact, such as, if the complainant:
 - refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
 - refuses to co-operate with the complaints investigation process
 - refuses to accept that certain issues are not within the scope of the complaints procedure
 - insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
 - introduces trivial or irrelevant information which they expect to be taken into account and commented on
 - raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
 - makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
 - changes the basis of the complaint as the investigation proceeds
 - seeks an unrealistic outcome, such as the inappropriate dismissal of staff
 - makes excessive demands on academy time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
 - knowingly provides falsified information
 - publishes unacceptable information on social media or other public forums
- where the complainant's complaint is clearly frivolous, vexatious and/or has patently insufficient grounds. The Office of the Independent Adjudicator defines the characteristics of a 'frivolous' or 'vexatious' complaint as:
 - complaints which are obsessive, persistent, harassing, prolific, repetitious
 - insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason
 - insistence upon pursuing meritorious complaints in an unreasonable manner
 - complaints which are designed to cause disruption or annoyance
 - demands for redress that lack any serious purpose or value
- where the complainant's complaint is the same, similar to or based on the same facts of a complaint which has already been considered in full.

In these circumstances, we may:

- inform the complainant that their behaviour is unacceptable or unreasonably persistent and ask them to change it;

- restrict the complainant's access to the Academy e.g. requesting contact in a particular form (for example, letters only), requiring contact to take place with a named person only, restricting telephone calls to specified days and times or banning the complainant from the academy's premises. Any such arrangements will be reviewed after one term;
- conduct the Complaints Committee on the papers only i.e. not hold a hearing;
- refuse to consider the complaint under stages 1 and/or 2 and refer the complainant directly to Stage 3

In all cases we will write to tell the complainant why we believe their behaviour is unacceptable or unreasonably persistent, what action we are taking and the duration of that action.

We may take the decision not to respond to any further correspondence where:

- we have taken every reasonable step to address the complainant's concerns
- the complainant has been given a clear statement of our position and their options and
- the complainant contacts us repeatedly, making substantially the same points each time

The case for ceasing further correspondence is stronger where:

- letters, emails, or telephone calls are often or always abusive or aggressive or make insulting personal comments about or threats towards staff
- we have reason to believe the complainant is contacting us with the intention of causing disruption or inconvenience

Where the behaviour is so extreme that it threatens the immediate safety and welfare of staff, members of the Academy Advisory Council or trustees, we will consider other options, for example reporting the matter to the police or taking legal action. In such cases, we may not give the complainant prior warning of that action.

16. Complaint campaigns

For the purposes of this policy, a complaint campaign is defined as a complaint from three or more separate individuals (whether or not connected with an academy or the trust) which are all based on the same subject.

Depending on the subject in question, we may deviate from the procedure set out in this policy and instead:

- send a template response to all complainants and/or
- publish a single response on the academy/trust's website (as applicable)

ANNEX 1: The Academy/Trust Complaint Form

Please complete this form and return it to the Principal (or other individual listed in part 6 of the complaints procedure if applicable), who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name:	
Relationship to pupil:	
Pupil's name:	
Your address:	
Daytime telephone number:	
Evening telephone number:	
Please give concise details of your complaint, (including dates, names of witnesses etc), to allow the matter to be fully investigated. You may continue on a separate piece of paper, or attach additional paperwork, if you wish.	
Number of additional pages attached:	
What action, if any, have you already taken to try to resolve your complaint? (i.e. who have you spoken with or written to and what was the outcome?)	
What actions do you feel might resolve the problem at this stage?	
Signature:	Date:

Academy/Trust use		Date form received:
Received by:		Date and acknowledgement sent by:
Complaint referred to:		
Date:		

ANNEX 2: Guidance for Staff on Dealing with Concerns

Staff who are approached by parents, pupils or others with matters of concern must assess the seriousness of the issue and, if subject to specific Academy policies (for example over a child protection issue) follow those policies.

If a parent of child or someone else expresses a concern that is within the remit of that member of staff, then the member of staff should deal with the concern, resolving it where possible. If the member of staff feels unable to deal with the concern, they should listen to the concern, note it down and refer it to the relevant senior member of staff, indicating to the complainant that this is what will happen.

Each situation will be different, but staff members should do all they can to:

- allay the other persons' fears
- take the concerns seriously
- remain calm and composed at all times
- be fair, open and honest when dealing with any concern or question
- give careful consideration to all concerns and deal with them as swiftly as possible
- enter into dialogue that encourages mutual understanding and, wherever possible, puts the interests of any child above all other issues
- respect peoples' desire for confidentiality.

If the matter has not been resolved amicably by this means, then the member of staff should advise the complainant to make a formal complaint. If necessary, the member of staff should make notes of the complaint and ask the complainant to sign them, so that they become the written complaint.

ANNEX 3: Investigation Procedures for Formal Complaints

This procedure applies to investigations carried out at stage 1 of the complaints procedure.

1. The investigation of a complaint should always be carried out thoroughly and responsibly. The investigator must maintain an open mind and not prejudge any situation. The outcome of such an investigation will have considerable significance for the complainant and, where the complaint is against a particular member of staff, for the member of staff against whom the complaint has been made.
2. Any member of staff against whom a complaint has been made, should be notified that a complaint has been received, provided with a copy of the complaint and be informed that an investigation will be carried out in which his or her views will be sought.
3. It is essential that there is a clear understanding of the complaint and what remains unresolved. If the complaint is not clearly stated, in the first instance, the investigator should clarify the nature of the complaint with the complainant and set out clearly the issues of concern to the complainant that will be investigated.
4. Once the complaint has been confirmed the investigator should establish who he or she wishes to interview and what documentation they will need to review. Arrangements should be agreed so that accurate notes can be taken of all interviews and the outcomes of the investigation be accurately recorded.
5. The complainant and a member of staff complained about should be given the opportunity to meet with the investigator, offer documentation and to identify potential witnesses or sources of evidence. Any member of staff subject to the complaint should be advised that they may be accompanied by a friend or a trade union representative when invited to be interviewed.
6. Where children are potential witnesses, discretion should be exercised over their involvement. Pupils should only be interviewed when the nature of the complaint is sufficiently serious to warrant it and adult witnesses are not available. Only in extreme circumstances will younger pupils be interviewed.
7. Any interviews should be conducted as soon as possible to ensure that recollections are as fresh as possible and to minimise the possibility that evidence will become tainted through witnesses discussing alleged incidents with other persons. A written record must be made of all interviews.
8. In conducting interviews, the investigator should prepare the questions to be asked prior to the interview. These can always be supplemented during the interview. The investigator should allow the interviewees to answer in their own way. Their responses should be listened to attentively. Any temptation to cut an interviewee short or to seek to 'lead' them must be resisted. The interviewee should be given the opportunity of providing other relevant information at the end of the interview. It is good practice to ask the complainant what they feel would put matters right, even if this action is not one that is eventually taken.
9. Interviewees should, however, be advised that their responses must be confined to the substance of the complaint. Any attempt by the interviewee to introduce information relating to other members of staff or to issues unrelated to the complaint should be resisted.
10. The investigator should avoid reaching conclusions or passing judgement, until the investigation has been completed. The investigator should complete the investigation by creating a summary of the evidence gathered and a preferred outcome for agreement.

11. The response letter should include the following information:
 - a brief summary of the complainant's concerns and the issues that have been investigated
 - a summary of the process undertaken
 - the outcome of the investigation
 - the reasons for that outcome, unless confidentiality would be compromised (in which case a suitably worded conclusion should be provided)
 - any recommendations which, wherever possible, should be constructive and not punitive
 - potential next steps.
12. The response letter should be sent to the complainant in accordance with the timeframes set out in part 13 of this procedure. Caution must always be exercised in reporting back to the complainant as revealing certain details may prejudice the ability of the employee to continue in post.
13. The complainant should be advised that he or she may, if they are not satisfied with the response or that the appropriate procedure has been followed, request the complaint is considered at the next stage of the complaints policy.

Following consideration of a complaint at stage 3, the complainant should be advised that the complaint will not be considered further but that they do have the right of complaint to the Education and Skills Funding Agency.