



## COMPLAINTS POLICY

Version control	
AAT Complaints Policy 2019-03-22	New interim policy based on template policy provided by The Key pending review September 2019
AAT Complaints Policy August 2018	Updated based on the Trust's original policy template

<b>Date of previous review:</b>	August 2018 ("August 2018)	<b>Review period:</b>	Interim policy to be reviewed by September 2019 and two yearly thereafter
<b>Date of next review:</b>	September 2019	<b>Owner:</b>	Director of HR & Compliance
<b>Type of policy:</b>	Network/Statutory	<b>LAB or Board approval:</b>	Board

## 1. Aims

Tech City College aims to meet its statutory obligations in accordance with the policies and practice of the Aspirations Academies Trust when responding to complaints from parents of its pupils, and others.

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation
- Address all the points at issue and provide an effective and prompt response
- Respect complainants' desire for confidentiality
- Treat complainants with respect
- Ensure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into the Academy's improvement evaluation processes

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

The Academy will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will ensure we publicise the existence of this policy and make it available on the Academy's website.

## 2. Legislation and guidance

This document meets the requirements set out in part 7 of the schedule to [the Education \(Independent School Standards\) Regulations 2014](#), which states that we must have and make available a written procedure to deal with complaints from parents of pupils at the Academy. It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on [creating a complaints procedure that complies with the above regulations](#), and refers to [good practice guidance on setting up complaints procedures](#) from the Department for Education (DfE).

This policy complies with our funding agreement and articles of association.

## 3. Definitions and scope

### 3.1 Definitions of *concerns* and *complaints*

The DfE guidance explains the difference between a concern and a complaint.

- A **concern** is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”.
- A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”.

The Academy will resolve concerns through day-to-day communication as far as possible.

The Academy intends to resolve complaints informally where possible, at the earliest possible stage. This Policy sets out the procedures for doing so while also setting out how complainants may escalate their concerns if they remain dissatisfied.

### 3.2 Exceptions

This Complaints Procedure covers all concerns/complaints about any provision of facilities or services at the Academy. However, the exceptions listed below are not covered because separate procedures exist.

Where the Academy's actions are pursuant to advice given by the Local Authority or other public body, complainants will be asked to refer their concern directly to that authority.

Exceptions	Further information
<ul style="list-style-type: none"> <li>Allegations of child abuse /other child protection issues</li> <li>Other safeguarding issues</li> </ul>	<p>Immediately report your concern to the class teacher, Designated Safeguarding Lead or Principal and check the Academy's Safeguarding Policy.</p> <p>You can also report concerns about how child protection issues are being handled in your own or another organisation to the NSPCC's whistleblowing advice line on 0800 028 0285 or at <a href="mailto:help@nspcc.org.uk">help@nspcc.org.uk</a>.</p>
<ul style="list-style-type: none"> <li>Statutory Assessment of SEN</li> </ul>	<p>Check the Academy's SEND offer and report your concern to the SENCO or Principal.</p> <p><i>Arrangements for handling complaints from parents of children with SEN about the Academy's support are within the scope of the Complaints Policy.</i></p>
<ul style="list-style-type: none"> <li>School Admissions including appeals</li> </ul>	<p>Refer to the Academy's Admissions Policy available on the Academy's website.</p>
<ul style="list-style-type: none"> <li>Pupil Exclusions</li> </ul>	<p>Refer to the Academy's Behaviour Policy available on the Academy's website.</p>
<ul style="list-style-type: none"> <li>Whistleblowing (for financial or other regulatory malpractice)</li> </ul>	<p>Refer to the Whistleblowing Policy available from the Principal or otherwise contact <a href="mailto:info@aspirationsacademies.org">info@aspirationsacademies.org</a></p>
<ul style="list-style-type: none"> <li>Staff grievances /disciplinary procedures</li> </ul>	<p>Staff of the Academy wishing to raise concerns (other than those for which the Whistleblowing Policy would be applicable) should refer to the Grievance Policy. The Disciplinary Policy sets out how the Academy will address matters relating to staff conduct. These policies are available from the Principal or otherwise contact <a href="mailto:info@aspirationsacademies.org">info@aspirationsacademies.org</a></p>

If your concern relates to services at the Academy provided by an external service provider, this should be raised with the Principal in the first instance, but it might be that you or the Academy will have to follow the provider's own complaints policy thereafter.

If the issue concerns a serious safeguarding or child protection issue, an allegation of abuse or a matter with serious disciplinary consequences, the Principal should be informed immediately. The appropriate policy and procedures must be followed and the Aspirations Head of Safeguarding must also be informed.

### **3.3 Principles for investigation**

When investigating a complaint, we will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right

We also intend to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits are set out in each of the procedural stages as set out in section 5 of this Policy. References made to timescales generally refer to “term time days”. These are days within the Academy’s term time dates as shown on its website. Therefore, if a complaint is made on the last day of the Academy’s spring term and a response is required within 5 term time days, the response should be made no later than the fifth day of the summer term.

Where further investigations are necessary, new time limits will be set, and the complainant will be sent details of the new deadline with an explanation for the delay.

The Academy expects that complaints will be made as soon as possible after an incident arises and no later than 3 months afterwards.

We will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

## **4. Pre-complaint: resolution of concerns**

Our expectation is that the vast majority of concerns can be raised and dealt with informally without the need to make a complaint.

Parents, carers and others who have a concern that is appropriate to raise through this Policy (see section 3.2 for exceptions) are encouraged to make their concerns known to the Academy informally at an early stage so that they can be addressed in the spirit of partnership.

In the first instance, a concern should be raised with the member of staff most closely involved, such as the class teacher. The person wishing to raise a concern may ask the Principal to confirm which member of staff they should liaise with in order to raise their concern.

Such concerns will generally be raised and responded to orally and a written record of the concern will not necessarily be kept.

## **5 Stages of complaint (see section 6 concerning complaints against the Principal or members of the Local Advisory Board)**

### **5.1 Informal complaint**

- 5.1.1. If a concern is raised as set out in section 4 above but the matter is not resolved (e.g. the complainant is dissatisfied by the response and/or the outcome) then an informal complaint should be communicated to the Principal. This may be communicated orally (e.g. in a meeting or telephone conversation) or in writing.

- 5.1.2. On being notified of an informal complaint and being satisfied that the complainant would not more appropriately be addressed in accordance with section 4, the Principal will delegate to a suitable member of staff the role of Complaint Officer. The Complaint Officer will be senior to the staff member who considered the initial concern.
- 5.1.3. However, where an informal complaint is raised with the Principal without the concern having first been raised as set out in section 4, the Principal may assess it is appropriate for the complainant to be referred back to the earlier stage of raising the matter as a concern.
- 5.1.4. Where the matter is progressed as an informal complaint, the complainant should be notified of this and invited to attend a meeting with the Complaint Officer within 5 term time working days of the informal complaint being received by the Principal. This notification should be confirmed in writing. In circumstances where for good reason a meeting within 5 term time working days cannot be offered, this should be explained in writing to the complainant and an alternative date identified with minimum delay. If jointly agreed by the Complaint Officer and the complainant, instead of meeting, they might discuss the matter in a telephone conversation.
- 5.1.5. In the discussion with the complainant, the Complaint Officer will seek to clarify the nature of the complaint (e.g. what happened and who was involved) and what the complainant feels would put things right. The Complaints Officer will also identify the date by which they expect to communicate the outcome to the complainant. For less complex matters the Complaint Officer should aim to be in a position to communicate an outcome within 5 term time working days of the discussion with the complainant and in all circumstances where an outcome has not been reached within 10 term time working days, a further written communication should be made to the complainant to provide explanation of the delay and advise of the expected timescale.
- 5.1.6. The Complaint Officer should write a summary note outlining details of:
- the complaint raised
  - how the investigation was undertaken
  - the findings of the investigation
  - the conclusions drawn and outcome (including actions to be taken)
- 5.1.7. The summary note will be referred to by the Complaint Officer when communicating the outcome to the complainant. The outcome communication may be made through a telephone conversation or meeting or in writing. Where the communication is made through a telephone conversation or meeting and the complainant requests written confirmation of the conclusions and outcome to be provided in writing, this will be sent to them within 5 term time working days of the initial communication of outcome.
- 5.1.8. Any such written confirmation of outcome will be appended to the summary notes and to any other written correspondence about the investigation (e.g. letter of invitation to attend the meeting with the Complaint Officer). The collective documentation is to be kept in a confidential filing system as maintained under the authority of the Principal in accordance with section 9 of this Policy.

## **5.2 Formal complaint to the Principal**

- 5.2.1. If a concern is raised as set out in section 4 above but the matter is not resolved (e.g. the complainant is dissatisfied by the response and/or the outcome) then a formal complaint should be communicated to the Principal.
- 5.2.2. Formal complaints should be raised in a written communication to the Principal.

- 5.2.3. The complainant should provide details such as relevant dates, times, and the names of witnesses of events, alongside copies of any relevant documents, and what they feel would resolve the complaint. The complainant should clarify whether or not the complaint relates to one or more matters raised previously either in accordance with section 4 or 5.1.
- 5.2.4. If complainants have queries about how to raise a formal complaint, these may be raised with the Principal. Otherwise such queries can be raised by emailing [info@aspirationsacademies.com](mailto:info@aspirationsacademies.com).
- 5.2.5. The Principal shall initially review the complaint and if there is good reason may determine that the matter be addressed in accordance with section 4 or 5.1 of the Policy. This would only be the case where the matter has not been raised previously by the complainant in relation to one or both of those stages and there is no exceptional reason presented that makes it appropriate for the complaint to be considered in the first instance in accordance with the formal stage of the procedure. The Principal would confirm in writing to the complainant if it is determined that the matter will be considered other than as a formal complaint.
- 5.2.6. Where the Principal determines that the complaint is to be progressed as a formal complaint, she/he may take on the responsibility of being Complaint Manager her/himself or otherwise delegate the matter to a member of the senior leadership team.
- 5.2.7. The Complaint Manager will call a meeting with the complainant to clarify concerns, and seek a resolution. The meeting should normally be arranged to take place within 5 term time working days of the formal complaint being received by the Principal. The notification of the meeting should be confirmed in writing and include confirmation that it forms part of the formal complaints procedure. In circumstances where for good reason a meeting within 5 term time working days cannot be offered, this should be explained in writing to the complainant and an alternative date identified with minimum delay.
- 5.2.8. The complainant may be accompanied to this meeting, and should inform the Academy of the identity of their companion in advance.
- 5.2.9. In certain circumstances, the Academy may need to refuse a request for a particular individual to attend any such meeting – for example, if there is a conflict of interest. If this is the case, the Academy will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative accompaniment.
- 5.2.10. In the meeting with the complainant, the Complaints Officer will seek to clarify the nature of the complaint (e.g. what happened and who was involved) and what the complainant feels would put things right.
- 5.2.11. The Complaint Manager will then conduct their own investigation. Where, as would normally be the case, the formal complaint relates to a matter previously considered in accordance with 5.1 above, the investigation will commence with a review of the documentation from that process. As considered necessary by the Complaint Manager, the investigation would be supplemented with their own additional enquiries.
- 5.2.12. The Complaint Manager should prepare a report outlining details of:
- the complaint raised
  - how the formal investigation was undertaken
  - the findings of the formal investigation
  - the conclusions drawn and outcome (including actions to be taken)

- 5.2.13. The report will be referred to by the Complaint Manager when communicating the outcome to the complainant.
- 5.2.14. A written confirmation of outcome of the investigation will be sent to the complainant as soon as possible and, unless there is good reason, within 10 term time days of the meeting with the complainant held in accordance with 5.2.7 to 5.2.10. Where there is good reason for an extended timescale, a further written communication should be made to the complainant to provide explanation of the delay and advise when the written conclusion will be provided.
- 5.2.15. While the outcome communication will be made in writing, the Complaint Manager may also find it appropriate to arrange a meeting or having a telephone conversation with the complainant.
- 5.2.16. The written confirmation of outcome will be appended to the report and to any other written correspondence about the investigation (e.g. letter of invitation to attend the meeting with the Complaints Officer). The collective documentation is to be kept in a confidential filing system as maintained under the authority of the Principal in accordance with section 9 of this Policy.
- 5.2.17. If the complainant is not satisfied with the written confirmation of outcome then they may appeal subject to the following:
- The appeal must be submitted in writing, either by email or by letter and should be addressed to Clerk to the LAB and copied to the Principal.
  - The appeal notification must be received by the Clerk/Principal within 10 term time days of the complainant having received the written confirmation of outcome.
- 5.2.18. Written correspondence to the Principal and Clerk should be sent to the Academy's postal address and emails should be addressed to [info@techcity-aspirations.org](mailto:info@techcity-aspirations.org)
- 5.2.19. The letter of appeal should set out details of why the complainant feels the previous stage of the procedure has not addressed their complaint sufficiently and what they feel would resolve the complaint.
- 5.2.20. The appeal process is set out in 5.3.

### **5.3: Appeal to Complaint Review Panel**

- 5.3.1. Where an appeal is submitted in accordance with 5.2.17 to 5.2.18 the Clerk to the Academy's Local Advisory Board will convene a Complaint Review Panel. In making arrangements for this the Clerk will consult with the Trust's Director of HR and Compliance.
- 5.3.2. The panel will be consist of at least 3 people who were not directly involved in the matters detailed in the complaint. The panel will be formed on the basis of the following:
- One panel member should be a representative of (i) the Local Advisory Board or (ii) the District Governing Body or (iii) the Trust's Central Management Team
  - One panel member should be a representative of (i) the Local Advisory Board or (ii) the District Governing Body
  - One panel member will be independent of the day to day running and management of the Academy.

- 5.3.3. The members of the Complaint Review Panel shall nominate a Chair.
- 5.3.4. The members of the panel will have access to the existing records associated with the complaint (see section 9).
- 5.3.5. The complainant will be invited to attend the meeting of the Complaint Review Panel and will be given at least 5 term time days' notice of the meeting. Nevertheless, the Complaint Review Panel reserves the right to convene at their convenience rather than that of the complainant. The complainant will be invited to submit documentation that they consider is relevant to their complaint.
- 5.3.6. The complainant may be accompanied at the meeting.
- 5.3.7. Representatives from the Academy shall, as appropriate, also be asked to be present at the meeting.
- 5.3.8. The Clerk to the Academy's Local Advisory Board or substitute shall attend to take minutes.
- 5.3.9. At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called, as appropriate, to present their evidence.
- 5.3.10. The panel, the complainant and the Academy representative(s) will be given the chance to ask and reply to questions.
- 5.3.11. Once the complainant and Academy representative(s) have presented their cases, they will be asked to leave and evidence will then be considered.
- 5.3.12. The panel must then determine its findings from the case, draw conclusions and make recommendations, including the identification of appropriate actions.
- 5.3.13. The Academy will inform the complainant and other relevant parties of the decision in writing within 5 term time days.
- 5.3.14. The panel will also provide copies of the minutes of the hearing and the findings and recommendations to the complainant and, where relevant, the individual who is the subject of the complaint. Copies of these documents shall be kept with documentation relating to the earlier stage of the complaint in accordance with section 9.

## **6. Complaints against the Principal or a member of the Local Advisory Board or entire Local Advisory Board**

- 6.1.1. Complaints that relate to the conduct of the Principal should be addressed to the Managing Director. This can be in writing addressed to the Managing Director, c/o The Director of HR and Compliance, Aspirations Academies Trust, World Business Centre 3, Heathrow Airport, Newall Road, Hounslow, TW6 2TA. Alternatively email [info@aspirationsacademies.org](mailto:info@aspirationsacademies.org)
- 6.1.2. Where a complaint is against the Chair of the Local Advisory Board, any member of the Local Advisory Board, or the entire Local Advisory Board, the complaint should be addressed as set out above in respect of the Principal.

- 6.1.3. Complaints as set out in 6.1.1 and 6.1.2 will be reviewed by the Trust's Managing Director who may delegate detailed consideration of the matter to a senior manager within the Trust's central management team or independent person.
- 6.1.4. Generally when reviewing such a complaint the Managing Director will assess that it should be considered either in a manner consistent with the procedure set out in 5.1 or 5.2 (i.e. either as an informal complaint or formal complaint). This will be confirmed in writing to the complainant in accordance with the timescale set out in 5.1 or 5.2 as appropriate.
- 6.1.5. In circumstances where such a complaint is considered with reference to the procedures set out in 5.1 (informal) and the complainant remains dissatisfied by the outcome they may submit a formal complaint. This should be addressed in a manner consistent with the procedures set out in 5.2.
- 6.1.6. Where such a complaint is considered with reference to the procedures set out in 5.2 (formal) and the complainant is not satisfied with the written confirmation of outcome then they may appeal subject to the following:
- The appeal must be submitted in writing, either by email or by letter and should be addressed to the Clerk to the Trust Board and copied to the Director of HR and Compliance
  - The appeal notification must be received by the Clerk/Director within 10 term time days of the complainant having received the written confirmation of outcome.
  - Written correspondence to the Clerk to the Trust Board and Director of HR and Compliance should be addressed to Aspirations Academies Trust, World Business Centre 3, Heathrow Airport, Newall Road, Hounslow, TW6 2TA. Alternatively email [info@aspirationsacademies.org](mailto:info@aspirationsacademies.org)
- 6.1.7. The letter of appeal should set out details of why the complainant feels the previous stage of the procedure has not addressed their complaint sufficiently and what they feel would resolve the complaint.
- 6.1.8. The appeal process will be based on the procedures set out in 5.3. However, the members of the panel shall comprise:
- Two panel members will be Trustees of the Aspirations Academies Trust
  - One panel member will be independent of the day to day running and management of the Academy.

## **7. Referring complaints on completion of the Academy's procedures**

If the complainant is dissatisfied with the outcome of the Academy's complaints procedure, they can refer their complaint to the ESFA. The ESFA will check whether the complaint has been dealt with properly by the Academy. The ESFA will not overturn the Academy's decision about a complaint. However, it will look into:

- Whether there was undue delay, or the Academy did not comply with its own complaints procedure
- Whether the Academy was in breach of its funding agreement with the secretary of state
- Whether the Academy has failed to comply with any other legal obligation

If the Academy did not deal with the complaint properly, it will be asked to re-investigate the complaint. If the Academy's complaints procedure is found to not meet regulations, the Academy will be asked to correct its procedure accordingly.

For more information or to refer a complaint, see the following webpage:

<https://www.gov.uk/complain-about-school>

## **8. Persistent complaints and complaint campaigns**

### **8.1 Unreasonably persistent complaints**

Where a complainant tries to re-open an issue with the Academy after the complaints procedure has been fully exhausted and the Academy has done everything it reasonably can in response to the complaint, the Chair of the Local Advisory Board (or other appropriate person in the case of a complaint about the Chair) will inform the complainant that the matter is closed.

If the complainant subsequently contacts the Academy again about the same issue, the Academy can choose not to respond. The normal circumstance in which a response will not be sent is if:

- The Academy has taken every reasonable step to address the complainant's needs, *and*
- The complainant has been given a clear statement of the Academy's position and their options (if any), *and*
- The complainant is contacting the Academy repeatedly but making substantially the same points each time

However, the above list is not intended to be exhaustive.

The Academy will be most likely to choose not to respond if:

- We have reason to believe the individual is contacting the Academy with the intention of causing disruption or inconvenience, *and/or*
- The individual's letters/emails/telephone calls are often or always abusive or aggressive, *and/or*
- The individual makes insulting personal comments about, or threats towards, Academy staff

Unreasonable behaviour which is abusive, offensive or threatening may constitute an unreasonably persistent complaint.

Once the Academy has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email.

The Academy will ensure when making this decision that complainants making any new complaint are heard, and that the Academy acts reasonably.

### **8.2 Complaint campaigns**

Where the Academy receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the Academy, the Academy may respond to these complaints by:

- Publishing a single response on the Academy website
- Sending a template response to all of the complainants

If complainants are not satisfied with the Academy's response, or wish to pursue the complaint further, the normal procedures will apply.

## **9. Record-keeping**

The Academy will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

This material will be treated as confidential and held centrally, and will normally be viewed only by the Principal, those involved in investigating the complaint or members of the Complaint Review Panel. Representatives of the Aspirations Academies Trust Board (e.g. senior members of the Trust's central management team) may also have access to the records as part of the Trust's monitoring of the practice of the Academy.

The records must also be made available to the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act where they request access to them. Relevant parts of the record or summary information may also be relevant for scrutiny or reporting in accordance with a freedom of information (FOI) request or the complainant making a subject access request under the General Data Protection Regulation.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, the Academy's privacy notices and Trust policy as may be amended from time to time concerning management of records.

The details of a complaint, including the names of individuals involved, will not be shared with the whole Local Advisory Board in case a review panel needs to be organised at a later point. Where the Local Advisory Board is aware of the substance of a complaint before the review panel stage, the Academy will (where reasonably practicable) arrange for an independent panel to hear the complaint.

Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the Chair of the Local Advisory Board in consultation with the Trust's Director of HR and Compliance. Consent will not be unreasonably withheld.

## **10. Learning lessons**

The Local Advisory Board will review any underlying issues raised by complaints with the Principal, where appropriate, and respecting confidentiality, to determine whether there are any improvements that the Academy can make to its procedures or practice to help prevent similar events in the future.

## **11. Monitoring arrangements**

The Local Advisory Board will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly.

The Local Advisory Board will track the number and nature of complaints, and review underlying issues as stated in section 10.

The complaints records are logged and managed by the Data Manager under the authority of the Principal.