



Clevedon  
LEARNING TRUST

## COMPLAINTS POLICY

**Date approved by Clevedon Learning Trust Board: 18<sup>th</sup> July 2017**

**Signed:**

**Review Date: May 2018**

## 1.0 OVERVIEW AND INTRODUCTION

This policy sets out the Clevedon Learning Trust's procedures for handling complaints. We aim to work constructively with parents/carers in educating children, but recognise that there may be occasions where we do not get things right and a parent/carer may wish to complain.

## 2.0 AIMS AND OBJECTIVES

Our Complaints Policy:

- Encourages a resolution of issues by informal means wherever possible.
- Is easily accessible and publicised.
- Is simple to understand and use.
- Is impartial.
- Is non-adversarial.
- Allows swift handling within agreed time-limits for action and keeping people informed of progress.
- Ensures a full and fair investigation.
- Respects confidentiality.
- Addresses the points at issue and provides an effective response and appropriate redress, where necessary.
- Provides information so that services can be improved.

## 3.0 PROCEDURES

### 3.1 The Clevedon Learning Trust's complaints procedure consists of four stages:

- Stage 1 – Informal Complaint
- Stage 2 – Formal Complaint to Headteacher (or designate)
- Stage 3 – Formal Complaint to Local Governing Body
- Stage 4 – Formal Complaint to Clevedon Learning Trust Board

The Clevedon Learning Trust aims to resolve concerns, difficulties and complaints in a timely manner. Time limits for each stage of the procedure are set out under each individual stage. For the purposes of this Complaints Policy, an "Academy day" is defined as a weekday during term time, when each Academy is open to children. The definition of "Academy day" excludes weekends, Academy holidays and Bank Holidays. For the avoidance of doubt, term dates are published on each Academy's website, and information about term dates is made available to parents and students periodically.

Although every effort will be made by the Clevedon Learning Trust to comply with the time limits specified under each stage of the procedure, it may not always be possible to do so; for example, due to the complexity, the number of matters raised, or due to the unavailability of the Complainant to attend a meeting, if offered. In all cases, where a time limit cannot be complied with, the relevant Academy will write to the Complainant within the specified time limit, setting out the reasons why the time limit cannot be complied with, and confirming the new time limit which will apply.

### 3.2 Stage 1 - Informal Complaint

The Clevedon Learning Trust expects that most concerns and difficulties can be resolved informally.

Examples might include dissatisfaction about some aspect of teaching or pastoral care, a timetable clash, an issue with an Academy's system or equipment, or a financial error. The relevant Academy will aim to resolve a concern or difficulty within fifteen Academy days of the date that it was raised. Where a concern or difficulty has not been resolved by informal means within this time limit from the date that it was raised, the complainant can submit the matters raised as a formal complaint under Stage 2 of this Complaints Policy.

### 3.3 Stage 2 - Formal Complaint to the Headteacher (or designate)

Formal complaints should be made in writing to the Headteacher. If the Complainant would prefer to complete a form instead of writing a letter, the Complainant can complete the Complaint Form contained in Appendix 1 of this Complaints Policy. The Complainant should clearly state that the complaint is formal, set out the nature of the complaint, the relevant dates, the full names of the persons involved and what the Complainant believes the Academy should do to resolve the

complaint. Any documentation relied upon by the Complainant should be attached to the formal complaint.

The formal complaint will be acknowledged in writing within five Academy days of receipt. The acknowledgement letter will confirm the date that the formal complaint was received, the action to be taken and the specified time limit.

The Headteacher will then proceed to investigate the complaint. This will involve obtaining and considering all documentation held by the Academy which is relevant to the complaint. If further information is required from the Complainant, this may be requested from them over the telephone or in writing. If the Headteacher deems it to be appropriate in relation to the matters raised, the Complainant will be offered a meeting to discuss the issues raised. This may take place at the beginning of the investigation to clarify any matters which are unclear, or after the investigation has taken place with the aim of reaching an amicable resolution.

The Headteacher will write to the Complainant confirming the outcome of the investigation within twenty Academy days from the date that the complaint was received. The letter will set out the individual matters raised by the Complainant, the findings made by the Headteacher during the course of the investigation, and the conclusion reached.

The Headteacher may delegate the complaint to a member of the Leadership Team to deal with in accordance with the procedure outlined above.

### **3.4 Stage 3 – Formal Complaint to the Local Governing Body**

If the Complainant is unsatisfied with the outcome of the review under Stage 2 of this Complaints Policy, the Complainant may write within five Academy days of receiving the letter confirming the outcome following Stage 2 to the Clerk to the Local Governing Body requesting a Complaint Panel Hearing. The Complainant should not repeat the matters raised in their original letter or attach documentation already provided, but should clearly set out how and why the Complainant does not accept the findings made under Stages 2.

The Complainant's letter will be acknowledged within five Academy days of receipt. The acknowledgement letter will confirm the date that the formal complaint was received, the action to be taken and the specified time limit.

The Complaint Panel will consist of three Governors appointed by the Clerk to the Local Governing Body. None of the three Complaint Panel members will have been involved in the matters which gave rise to the complaint, have been involved in dealing with the complaint previously or have any detailed prior knowledge of the complaint.

The Clerk to the Local Governing Body will liaise with the Complaint Panel, the Complainant and the Headteacher to agree a mutually convenient date for the Complaint Panel Hearing, which will usually take place within twenty Academy days of receipt of the Complainant's request, unless there are exceptional circumstances.

The Clerk to the Local Governing Body will provide members of the panel with all documentation relating to the complaint including the Complainant's Stage 2 letter or Complaint Form, the record of the Stage 1 informal procedure (if applicable), the original letter of complaint or Complaint Form, any documentation provided by the Complainant with their complaint, all investigation records under Stage 2, and the letter of outcome under Stage 2. The names of individuals other than the Complainant, the Complainant's family, members of the Academy's staff and Governors, will be redacted.

If the Complainant wishes the Complaint Panel to consider any additional information, they should forward this documentation to the Clerk to the Local Governing Body to arrive at least five Academy days before the Complaint Panel Hearing, to enable the Clerk to the Local Governing Body to forward it to the Headteacher and the Complaint Panel members.

The Complainant may attend the Complaint Panel Hearing, and may be accompanied by another person. For the avoidance of doubt, the Complainant's supporter will be present for moral support only and will not play any part in the proceedings, unless invited to do so by the Chair of the Complaint Panel, entirely at his or her discretion and for a good reason. The Complaint Panel Hearing will be held in private, is not a legal hearing and it is not appropriate for either the Complainant or the Academy to be legally represented. The Academy will be represented at the Complaint Panel Hearing by the Headteacher or his/her representative (Academy's Representatives) and may be accompanied by another member of staff.

The Complaint Panel Hearing will be conducted as follows:

- The Clerk to the Complaint Panel will greet the Complainant, the Complainant's supporter, the Academy's Representatives and welcome them into the room where the Complaint Panel has convened;
- The Complainant will be invited by the Complaint Panel to give an account of their complaint and call any witnesses;
- The Academy's Representatives will be invited to ask the Complainant and their witnesses questions, if any;
- The Complaint Panel will ask the Complainant and their witnesses questions, if any;
- The Academy's Representatives will be invited by the Complaint Panel to respond to the complaint and make representations on behalf of the Academy including calling any witnesses;
- The Complainant will be invited to ask the Academy's Representative and their witnesses questions, if any;
- The Complaint Panel will ask the Academy's Representative and their witnesses questions, if any;
- The Complaint Panel Hearing will conclude and the Complainant, the Complainant's Supporter and the Academy's Representatives will be asked to leave.

The Complaint Panel will convene in private, either immediately after the Complaint Panel Hearing or on a subsequent date, and will consider all of the documentation and everything that they have heard at the Complainant Panel Hearing and decide the outcome of the complaint.

The Chair of the Complaint Panel will write to the Complainant confirming the outcome of the review within five Academy days from the date that the hearing was held. The letter will set out whether the Complaints Panel agrees with the findings and conclusion under Stage 2, and give reasons, as well as responding to any criticisms of the Stage 2 investigation.

### **3.5 Stage 4 - Formal Complaint to the Clevedon Learning Trust Board**

If the Complainant is unsatisfied with the outcome of the review under Stage 3 of this Complaints Policy, the Complainant may write within five Academy days of receiving the letter confirming the outcome following Stage 3 to the Clerk to the Clevedon Learning Trust requesting a Complaint Panel Hearing. The Complainant should not repeat the matters raised in their original letter or attach documentation already provided, but should clearly set out how and why the Complainant does not accept the findings made under Stages 2 and 3.

The Complaint Panel will consist of three persons appointed by or on behalf of the Trust by the Clerk to the Clevedon Learning Trust. None of the three Complaint Panel members will have been involved in the matters which gave rise to the complaint, have been involved in dealing with the complaint previously or have any detailed prior knowledge of the complaint. Two of the Complaint Panel members will be Directors of the Clevedon Learning Trust. The third Complaint Panel member will be independent of the management and governance of the Trust, i.e. they will not be a member of staff or a Director, and will not be linked to the Clevedon Learning Trust in another way, for example as a parent of a student.

The Clerk to the Clevedon Learning Trust will liaise with the Complaint Panel, the Complainant and the Chair of the Local Governing Body Complaint Panel and Headteacher to agree a mutually convenient date for the Complaint Panel Hearing, which will usually take place within twenty Academy days of receipt of the Complainant's request, unless there are exceptional circumstances.

The Clerk to the Local Governing Body will forward a copy of all paperwork relating to the complaint (consisting of the record of the Stage 1 informal procedure (if applicable), the original letter of complaint or Complaint Form, any documentation provided by the Complainant with their complaint, all investigation records under Stage 2 with the letter of outcome, all review records under Stage 3 with the letter of outcome, and the Complainant's letter requesting a Complaint Panel Hearing and accompanying documents) to the Complainant, the Academy's Representative and the three Complaint Panel members. The names of individuals other than the Complainant, the Complainant's family, members of the Academy's staff and Governors, will be redacted.

If the Complainant wishes the Complaint Panel to consider any additional information, they should forward this documentation to the Clerk to the Clevedon Learning Trust to arrive at least five Academy days before the Complaint Panel Hearing, to enable the Clerk to the Clevedon Learning Trust to forward it to the Academy's Representative and the Complaint Panel members.

The Complainant may attend the Complaint Panel Hearing, and may be accompanied by another person. For the avoidance of doubt, the Complainant's supporter will be present for moral support only and will not play any part in the proceedings, unless invited to do so by the Chair of the Complaint Panel, entirely at his or her discretion and for a good reason. The Complaint Panel

Hearing will be held in private, is not a legal hearing and it is not appropriate for either the Complainant or the Academy to be legally represented. The Academy will be represented at the Complaint Panel Hearing by the Chair of the Complaints Panel and may be accompanied by the Headteacher or his/her representative. (Academy's Representatives)

The Complaint Panel Hearing will be conducted as follows:

- The Clerk to the Complaint Panel will greet the Complainant, the Complainant's supporter, the Academy's Representatives and welcome them into the room where the Complaint Panel has convened;
- The Complainant will be invited by the Complaint Panel to give an account of their complaint and call any witnesses;
- The Academy's Representatives will be invited to ask the Complainant and their witnesses questions, if any;
- The Complaint Panel will ask the Complainant and their witnesses questions, if any;
- The Academy's Representatives will be invited by the Complaint Panel to respond to the complaint and make representations on behalf of the Academy including calling any witnesses;
- The Complainant will be invited to ask the Academy's Representative and their witnesses questions, if any;
- The Complaint Panel will ask the Academy's Representative and their witnesses questions, if any;
- The Complaint Panel Hearing will conclude and the Complainant, the Complainants Supporter and the Academy's Representatives will be asked to leave.

The Complaint Panel will convene in private, either immediately after the Complaint Panel Hearing or on a subsequent date, and will consider all of the documentation and everything that they have heard at the Complainant Panel Hearing and decide the outcome of the complaint.

The Chair of the Complaint Panel will write to the Complainant confirming the outcome of the review within five Academy days from the date that the hearing was held. The letter will set out whether the Complaints Panel agrees with the findings and conclusion under Stage 2 and 3, and give reasons, as well as responding to any criticisms of the Stage 2 investigation.

#### **4.0 Referral to the Education Funding Agency**

Once a complaint has been through all the stages of this Complaints Policy, if the Complainant believes that this Complaints Policy does not comply with the Regulations, or that the Clevedon Learning Trust has not followed the procedure in this Complaints Policy, the Complainant can refer the complaint to the Education Funding Agency for consideration. The Complainant can find further information about referring a complaint to the Education Funding Agency at:

[www.gov.uk/government/organisations/education-funding-agency/about/complaints-procedure](http://www.gov.uk/government/organisations/education-funding-agency/about/complaints-procedure)

The Complainant should be aware that the Education Funding Agency will not usually investigate the complaint itself, or interfere with the findings of the Complaint Panel, unless the decision made was manifestly unreasonable.

#### **5.0 Role of the Clerk**

The Clerk is the contact point for the complainant and is required to:

- Set the date, time and venue of the hearing, and ensure that the venue and proceedings are accessible.
- Collate any written material and send it to the parties in advance of the hearing.
- Meet and welcome the parties as they arrive at the hearing.
- Record the proceedings.
- Notify all parties of the panel's decision.

#### **6.0 Role of the Chairperson**

The Chairperson of the Panel has a key role, ensuring that:

- The remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- The issues are addressed
- Key findings of fact are made.
- Parents and others who may not be used to speaking at such a hearing are put at ease.

- The panel hearing is conducted in a dignified manner with each party treating the other with respect and courtesy.
- The panel acts with independence.
- No member of the panel has any involvement in an earlier stage of the procedure.
- Each side is given the opportunity to state their case and ask questions.
- Written material has been made available in advance of the hearing and has been seen by all parties.

## **7.0 Witnesses**

The Chair of a Complaint Panel will decide, at their absolute discretion, which witnesses will be permitted to attend the Complaint Panel Hearing to give a verbal statement rather than relying on a written statement or record of meeting which have been signed by the witness. If the Complainant wishes to rely on the account of a witness, they should ask the witness to write down, sign and date their account and forward it to the Clerk at least five Academy days before the Complaint Panel Hearing, to enable the Clerk to forward it to the Academy's Representative and the Complaint Panel members.

Witnesses under the age of eighteen other than the Complainant's own family will only be allowed to attend a Complaint Panel Hearing at the discretion of the Chair of that Complaint Panel, and then only if they are accompanied by one of their parents or carers. Witnesses are only required to attend for the part of the hearing in which they give their evidence.

## **8.0 Outcomes of Hearings**

The Complaint Panel has the power to:

- 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's and/or the Clevedon Learning Trust's systems or procedures to ensure that problems of a similar nature do not recur.

The Complaints Panel will always seek to be independent and impartial. The aim of the hearing will be to resolve the complaint and achieve reconciliation between the Academy and the complainant. However, it has to be recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favour.

## **9.0 Late Complaints**

Where a complaint is submitted more than three months after the incident or event (or where the complaint relates to a series of incidents or events, more than three months from the date of the latest incident or event), an Academy reserves the right to refuse to investigate the complaint under this Complaints Policy if it appears reasonable and fair to do so, having regard to the circumstances surrounding the complaint. Where an Academy decides that a complaint which was submitted late and will not be investigated, the Academy will write to the Complainant notifying them of the decision within ten Academy days of the complaint having been received.

If the Complainant is unhappy with the decision not to investigate a complaint which was submitted late, the Complainant may write to the Chair of the Local Governing Body at the Academy within five Academy days of receiving the letter from the Academy asking for the decision to be reviewed.

The Chair of Local Governing Body will be provided with all documentation relating to the complaint, together with the letter from the Academy to the Complainant, and will review the decision not to investigate the complaint. The Chair of Local Governors will not investigate the complaint itself during this review. The Chair of Local Governors will write to the Complainant with the outcome of the review within ten Academy days from the date the letter to the Complainant seeking the review was received, and provide the Academy with a copy of the letter. If the Chair of Local Governing Body quashes the decision not to investigate the complaint, it will be referred to the Academy to be dealt with under this Complaints Policy in the usual way.

## **10.0 Responding to Vexatious or Repeated Complaints**

There may be occasions when, despite a complaint being considered under all stages in this Complaints Policy, the Complainant persists in making the same complaint to the Academy. There may also be occasions when a Complainant raises unreasonable persistent complaints or raises complaints about matters which do not affect them. There may also be occasions when a complaint is made about a matter which is clearly so trivial that it would be a waste of the Clevedon Learning Trust's resources to deal with it under the formal stages of the procedure.

In all of these cases, an Academy has the right to regard the complaint as vexatious and/or repeated and to refuse to investigate it under the procedure in this Complaints Policy, if it appears reasonable and fair to do so, having regard to the circumstances surrounding the complaint. Where an Academy decides that a complaint is vexatious and/or repeated and will not be investigated, the Academy will write to the Complainant within ten Academy days of the complaint being raised to notify them of the decision. If the Complainant is unhappy with the decision not to investigate a vexatious and/or repeated complaint, they may write to the Chair of Local Governors within five Academy days of receiving the letter to ask for the decision to be reviewed.

The Chair of the Local Governing Body will be provided with all documentation relating to the current complaint and any previous complaints which were relevant to the decision, together with the letter from the Academy to the Complainant, and will review the decision not to investigate the complaint.

The Chair of the Local Governing Body will not investigate the complaint itself during this review. The Chair of the Local Governing Body will write to the Complainant with the outcome of the review within ten Academy days of the date that the letter from the Complainant seeking the review was received. If the Chair of the Local Governing Body quashes the decision not to investigate the concern or complaint, it will be referred to the Academy to be dealt with under the procedure in this Complaints Policy in the usual way.

#### **11.0 Responding to Anonymous Complaints**

The Clevedon Learning Trust will not investigate anonymous complaints under the procedure in this Complaints Policy. Anonymous complaints will be referred to the relevant Headteacher who will decide what, if any, action should be taken.

#### **12.0 Responding to Staff Complaints**

Complaints from staff and or their representatives will be handled under the Staff Grievance Policy.

#### **13.0 Responding Complaints about an Exclusion**

Complaints relating to a child's exclusion from school will be handled under the exclusion policy.

#### **14.0 Records**

Records of individual complaints including correspondence and statements will be kept on file. All records will be kept confidential except where the Secretary of State or a body conducting an inspection under the current Act requests access to them.

#### **15.0 Review of the Policy**

The Clevedon Learning Trust Board will review this policy every three years or sooner if changes are made to current legislation or guidance from the Department for Education.

## Clevedon Learning Trust Complaint Form

If you are not satisfied or feel unfairly treated we would like you to indicate the problem.

**It is however, very important that you seek to resolve any difficulties in the first instance by discussing your concerns/complaint with a member of staff at the Academy.**

If you have tried this and are still not satisfied with the response then please fill in all sections of the form and return it to the Headteacher at the Academy.

Your Name

Your Child's Name

Your Address

Mobile Telephone Number

Home Telephone Number

Email Address

**Please provide details of your complaint (please be as specific as possible giving dates, describing what happened and who was involved).**

*You may continue on an additional sheet and attach any additional information that you wish to be considered.*

When did you report the problem to the Academy?

To whom did you report the problem to at the Academy?

What was the response?

Have you complained to the Academy before about this issue? **Yes / No** (please delete as appropriate)



If so to whom and when?	
Please state what would you like to see done to resolve your complaint and bring the matter to an acceptable conclusion for yourself and the Academy?	
Signed:	
Date:	
<b>Official Use</b>	
Date Received:	
Date Confirmation Sent:	