

ACES Academies Trust

Aspiration, Creativity, Excellence, Success



Policy Statement
on

Formal Complaints

Drawn up by:

Director of Finance & Operations

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(HR Committee)

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1. INTRODUCTION

Our Trust is committed to developing a strong sense of partnership with parents/carers and other members of the local community. This provides a good basis for understanding and resolution when things appear to go wrong.

This policy describes the procedure to be followed when a **formal complaint** is made by parents/carers and others about the conduct of the school or the actions of any member of staff or Governing Body. For complaints relating to the School's delivery of the National Curriculum please refer to Item 9. **A formal complaint should be made in writing to the Principal/Headteacher only after other avenues have been exhausted.** Please refer to the guidance document "Concerns and Complaints - A guide for parents."

2. WHY HAVE WE ADOPTED A GENERAL COMPLAINTS PROCEDURE?

All maintained schools are required to have a complaints procedure in place. We hope that ours will help to ensure that most complaints are resolved quickly and smoothly and as close to the source of the misunderstanding or problem as possible. In this way complainants can feel assured from the outset of a fair hearing, in line with a defined procedure for dealing with issues that have not immediately been resolved. We also hope that a staged framework, together with an opportunity for mediation/conciliation where possible, might prevent an early and unnecessary escalation of the problem. In addition, by reviewing lessons learned from the investigation of complaints we hope to improve the school's policy and practice.

3. GUIDING PRINCIPLES

We aim for our Complaints Procedure to:

- Be simple to understand and use;
- Be easily accessible and well publicised;
- Allow for professionally conducted and timely responses;
- Keep the complainant fully informed at each stage;
- Be impartial, non-adversarial, and provide opportunities for mediation and conciliation;
- Be confidential;
- Address all the points at issue, with the provision of an effective response;
- Provide information that enables the school to review and revise its procedures in light of the complaint.

Those involved in the complaints process will ensure that it takes place in the context of the requirements of Child Protection, Special Educational Needs and disabilities, employment legislation and other relevant frameworks.

4. THE FORMAL COMPLAINTS PROCEDURE

This will only be adopted when a formal complaint has been received in writing by the Headteacher/Principal and when all other avenues have failed to resolve the matter. (For complaints against the Headteacher/Principal, CEO, Chair of the Board or other directors see sections 5, 6 & 7 below).

- When a parent or carer expresses an interest in making a formal complaint, they will be given a copy of this complaints procedure and informed that they must put their complaint in writing to the Headteacher/Principal.
- Formal complaints received in writing, will be acknowledged within 5 working days of receipt and normally be investigated, in the first instance, by the Headteacher/Principal or another senior member of staff, who will provide a response in writing, usually within 5 working days of the completion of the investigation
- Any other Trustees in receipt of complaints will refer them to the Headteacher/Principal or, if about the Headteacher/Principal, to the CEO, and will not themselves become further involved.

- If the complainant is dissatisfied with the Headteacher/Principal's response, s/he may contact the CEO who will investigate the complaint further. This further investigation will provide a response in writing, usually within 5 working days of completion. If this timescale cannot be met the complainant will receive notification of that fact along with a revised timescale.
- A written response following a formal complaint will be checked to ensure its factual accuracy and appropriateness before it is made available to the complainant.
- In some cases, a complaint may lead to disciplinary action against an individual, for which there are separate procedures. If this is the case the complainant will be informed that the complaint will be pursued through disciplinary action. Under the Trust's disciplinary procedures, the outcome of these procedures is confidential.
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- Individuals investigating complaints will not visit complainants' homes.

5. COMPLAINTS AGAINST THE PRINCIPAL/HEADTEACHER

- If the complaint directly concerns the Principal/Headteacher, complainants should write to the CEO, who will investigate the complaint.

6. COMPLAINTS AGAINST THE CEO

- In the event of a formal complaint being made against the CEO, the complaint will be reviewed by the Grievance Panel/Hearings Committee of the Trust. The Committee will decide if the complaint has merit by reviewing the written information and will make any recommendations it feels appropriate to enable resolution of the matter. The outcomes will be communicated in writing, usually within 5 working school days following completion of an investigation to both sides by the Chairman of the Panel, with reasons for the outcomes given.
- The Review should normally take place within ten working school days of receipt of the request. If this is not possible, the complainant will be informed of the review date.
- Under this complaints procedure there is no further stage for a complaint. However, if you remain unhappy after the Trust's panel review, the Local Government Ombudsman may be able to look into your complaint. The Ombudsman's Advice Team can be contacted on 0300 0610614.

7. COMPLAINTS AGAINST TRUSTEES OR MEMBERS OF THE LOCAL GOVERNING BODY

A formal complaint against a director other than the Chairman or a member of the LGB should be referred to the Chairman, who will investigate and then decide on any appropriate action. In extreme cases this might include making a recommendation to the Trust about possible suspension.

A complaint against the Chairman of the Board will be dealt with by the Vice Chairman of the Board.

8. COMPLAINTS PROCEDURE FINAL STAGE: REVIEW

- Having received responses from the CEO, if complainants are still not satisfied with the responses, they may ask for the complaint to be reviewed by the Grievance Panel/Hearings Committee of the Trust. This panel will be composed of at least three members of the Trust's directors who have no connection with the issues under review.
- The Committee will decide if the complaint has merit by reviewing the written information and any written submissions provided by any party and will make any recommendations it feels appropriate to enable resolution of the matter. The outcomes of this panel review will be communicated in writing to both sides by the Chairman of the Panel within ten working school days of the review, with reasons for the outcomes.
- The proposed date for the Panel to provide a response following the Review should normally be communicated to the complainant within ten working school days of receipt of the request for the Review.

- If you remain unhappy after the Trust's panel review, the Local Government Ombudsman may be able to look into your complaint. The Ombudsman's Advice Team can be contacted on 0300 0610614.

9. RECORD KEEPING

A confidential record of all formal complaints, together with the findings and recommendations made will be kept, whether the complaint was upheld or not. This will include correspondence, records and actions taken. This will be available for inspection by the CEO/Headteacher/Principal and kept confidentially, except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests to access them.

10. COMPLAINTS ABOUT THE CURRICULUM

Parents may use the complaints procedure if they believe that either the school is failing:

- to provide the national curriculum in the school or for a particular child;
- to follow the law on charging for school activities;
- to offer only approved qualifications or syllabuses;
- to provide RE and daily collective worship;
- to provide the information that they have to provide;
- to carry out any other statutory duty relating to the curriculum;
- to act reasonably in any of the above.

11 ADDITIONAL POINTS

- If, at any point, the complainant, having exhausted the complaints procedure, attempts to re-open the same complaint, s/he will be informed in writing that the procedure has been exhausted and that the matter is now closed.
- If, at any point, a complainant requests to proceed to the next stage of the complaints procedure at a time past the ten working school day time limit, s/he will normally be told in writing that the complaint has expired and is closed.
- Whilst the formal Complaints Procedure is in process, efforts will be made, where possible, to resolve the issues by the use of negotiation/conciliation/mediation outside of the Complaints Procedure itself, on the understanding that any such process will not, in any way, affect the rights of any individual within the Complaints Procedure.
- Complaints are logged by the schools and reviewed from time to time by the Governing Body and/or Board of Trustees.