



## **South York Multi Academy Trust Complaints Policy**

**This policy has been adopted by the Trustees of the South York Multi Academy Trust and is applicable to all schools within this Trust. In line with the MAT's Scheme of Delegation, this policy must be duly applied by each Local Governing Committee and the Headteacher of each school within the Trust. This policy will be monitored regularly by the MAT Headteachers Group and will be reviewed formally by the South York MAT Board of Trustees in line with the agreed schedule for policy review or when events or legislation require.**

This policy relates to complaints about the educational administration of an academy and typically applies to complaints made by parents and carers of students. It does not relate to matters which are governed by employment legislation or those where the principles of civil contract law would normally apply e.g. service/supply contracts entered into with an academy. This policy applies to all concerns and complaints other than:

- **Child Protection** issues and
- **Admissions and Exclusions** where separate procedures apply

### **Introduction**

The South York Multi-Academy Trust aims to provide an outstanding education and service to the young people and families it serves. The MAT and its schools are committed to working in partnership with students and parents to ensure that we continue to improve and that we take account of the views of our community. Regrettably, however, parents/carers or other stakeholders may have occasion to express a concern or a complaint. The purpose of this document is to outline how such concerns and complaints should be resolved.

The aim of this policy is to ensure that a concern or complaint by is managed sympathetically, efficiently and that it is dealt with at the appropriate level and is resolved as quickly as possible. This level of response underpins good practice, treats all those concerned with fairness and respect and promotes parental and student confidence in our organisation. We will seek to resolve every concern or complaint in a positive way with the aim of resolving the issue in a transparent manner.

The relevant academy will try to resolve problems informally wherever possible. An effective response and appropriate redress will be provided to all complaints as quickly as possible, dependent upon the complexity of the issues raised.

### **General Principles**

There is a clear difference between a concern and a formal complaint. Dealing with concerns at the earliest stage will reduce the numbers that develop into formal complaints. The underlying principle is that concerns ought to be handled, if possible, without the need to implement formal complaints procedures. The requirement to have a complaints procedure should not in any way undermine efforts to resolve a concern informally. In most cases staff within the school will receive the first approach. Staff should, wherever possible, be willing and able to resolve issues informally and at the lowest level that is appropriate. However, in some circumstances stakeholders may write to make a formal complaint.

The formal complaints procedure will be invoked when initial attempts to resolve the issue are unsuccessful and when the person raising the concern remains dissatisfied and wishes to take the matter further.

While the Complaints Policy will seek to resolve concerns informally and to limit the number of formal complaints received, there will, however, be occasions when despite all stages of the procedure having been exhausted that the complainant remains dissatisfied.

## **Dealing with complaints**

At each stage, the person investigating the complaint will ensure that they:

- Clarify the nature of the complaint and any unresolved issues
- Clarify what the complainant feels would put things right
- Speak to those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- Keep appropriate notes of any interview(s) held

At each stage, the person investigating the complaint will seek ways to resolve the complaint satisfactorily. It may be appropriate to offer one or more of the following:

- An acknowledgement that the complaint is valid in whole or in part and/or acknowledgement that the situation could have been handled differently or better
- An apology
- An explanation
- An assurance and an explanation of the steps that have been taken to ensure that it will not happen again
- An undertaking to review academy or Trust procedures in light of the complaint

An admission that the school could have handled the situation better or differently is not the same as an admission of negligence or wrongdoing.

The overall responsibility for ensuring that this policy is implemented in academies in the South York MAT rests with the Chief Executive. Complainants should be aware that Headteachers may refer complaints received to the Chief Executive because they consider the matter raised should be investigated independently of the academy. Likewise, complaints may be dealt with by the South York MAT for the same reason. Where a complaint is made directly to the South York MAT, it will be logged by the Chief Executive and will be forwarded to the relevant academy unless it falls into the categories described above.

## **Delays in Dealing with Complaints**

It is possible that, in certain circumstances, the occurrence of parallel investigations relevant to the complaint by the Police or social services may cause a variation to normal time scales. Any such variation will be notified to the complainant.

## **STAGE 1: Dealing with concerns informally**

### **Concerns**

Most concerns, where a parent/carer seeks intervention, reconsideration or some other action to be taken, can be resolved informally. Examples might include dissatisfaction about some aspect of teaching, disciplinary matters or issues outside the classroom. Parents/carers should raise the concern initially with the subject teacher, Curriculum Leader, Head of House, Senior Leadership staff or with the Headteacher as appropriate. The school will seek to ensure that informal complaints are resolved within 10 working days of being raised.

## **Unresolved concerns**

A concern which has not been resolved by informal means can be notified as a formal complaint in accordance with Stage 2 below. This should be done by completing the proforma in Appendix 3 and by returning this to the school for the attention of the Headteacher. If the complaint relates to the Headteacher the completed proforma should be forwarded to the Chair of the Local Governing Committee.

## **Record of concerns**

In the case of concerns raised under Stage 1 of this procedure, the only record of the concern and its resolution will be file notes by the person dealing with the complaint and/or file correspondence between the person raising the concern and the respondent.

## **STAGE 2: Formal Complaints**

### **Notification**

An unresolved concern under Stage 1 or serious dissatisfaction with some aspect of the academy's policies, procedures, management or administration should set out in full details in writing and should be sent with all relevant documents and full contact details to the Headteacher. If the complaint is against the Headteacher or if the Headteacher has been closely involved in Stage 1, the Chair of the Local Governing Committee should be contacted rather than the Headteacher. Where a formal written complaint is received by another member of school staff, this should be immediately passed to the Headteacher or the appropriate Leadership Team colleague.

### **Acknowledgement**

The complaint will be acknowledged in writing normally within 3 working days of receipt during term time and as soon as is practicable during the holidays. The acknowledgement will indicate the action that is being taken and the likely timescale for resolution of the complaint.

### **Investigation and resolution**

The Headteacher may deal with the matter personally or delegate a senior member of staff to act as 'Investigating Officer'. The 'Investigating Officer' may request additional information from the complainant and will fully investigate the issue. In most cases the Headteacher or Investigating Officer will meet or speak with the parent/carer to discuss the matter.

### **Outcome**

The aim is to inform any complainant of the outcome of any investigation and of the resolution to the complaint within 15 working days from its receipt. Please note that any complaint received during a school holiday or within 15 working days of the end of term or half term may take longer to resolve.

### **Record of complaints**

Written records will be kept of any meetings and interviews held in relation to the complaint.

### **Unresolved Complaints**

Where the complainant is not satisfied with the response to their complaint they may have their complaint considered by an independent Complaints Panel.

## **STAGE 3 – Complaint Heard by the Complaints Panel**

### **Request**

A request for a complaint to be heard by a Complaints Panel (an appeal) must be made in writing and within 10 working days of the date of the academy's decision made at Stage 2. This request should be made to the Clerk to the Governing Body (by letter or e-mail) including a copy of the original written complaint and also indicating which matters remain unresolved. No new complaint may be included. Correspondence should be sent to Catherine Lajoinie, Governance Support Officer, City of York Council, West Offices, Station Rise, York YO1 6GA or can alternatively be e-mailed to [catherine.lajoinie@york.gov.uk](mailto:catherine.lajoinie@york.gov.uk) Upon receipt of the written complaint it will be forwarded to the relevant members of the Governing Body.

### **Acknowledgement**

Where an appeal is received, the Clerk to the Governing Body will act as Clerk to the Complaints Panel. The Clerk will acknowledge, in writing, receipt of the appeal and will inform the complainant of the steps involved in the process. The Clerk will be the contact point for the complainant.

### **Panel Hearing**

The Clerk will aim to convene an Appeal Panel hearing as soon as possible, normally no later than 20 working days after receipt of the Stage 3 request.

### **Panel Membership**

The Panel will consist of two Governors on the Governing Body who have not previously been involved in the complaint and one person independent of the management and running of the academy or MAT (the process used for selecting the independent person will conform to relevant guidance). In deciding the make-up of the Panel, Governors should seek to ensure that it is a cross-section of the categories of Governor and that it is sensitive to issues of race, gender and religious affiliation. The Panel will select its own Chair.

### **The Remit of the Complaints Appeal Panel**

The Panel can:

- 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 systems or procedures to ensure that problems of a similar nature do not recur

The aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. The Chair of the Panel will ensure that the proceedings are as informal as possible.

### **Attendance**

The following are entitled to attend a hearing, submit written evidence and address the Panel:

- The parents/carers and/or one representative
- The Principal and/or one representative
- Any other person who the Complaints Panel considers to have a reasonable and just interest in the appeal and whose contribution would assist the Panel in their decision making

## **Evidence**

All parties will be given the opportunity to submit written evidence to the Panel in support of their position including;

- Documents
- Chronology and key dates
- Written statements setting out further detail

The evidence will be considered by the Panel along with the initial submission.

All written evidence must be received by the Clerk no later than 5 working days in advance of the Panel Hearing. The Clerk will distribute the evidence to all parties no later than 3 working days in advance of the Panel Hearing.

## **Roles and Responsibilities**

### **The Role of the Clerk**

All panels considering complaints must be clerked. The Clerk will be the contact point for the complainant and will be required to:

- Set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and 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 decisions.

### **The Role of the Chair of the Governing Body or Nominated Governor**

- Check that the correct procedure has been followed;
- If a hearing is appropriate, notify the Clerk to arrange the panel.

### **The Role of the Chair of the Panel**

The Chair 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 or others who may not be used to speaking at such a hearing are put at ease;
- The hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- The panel is open minded and acting independently;
- No member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- Each side is given the opportunity to state their case and ask questions;
- Written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

## **Decision**

The Panel will reach a decision, and make any recommendations within 10 working days of the hearing. The decision reached is final.

## **Notification of the Panel's Decision**

The Panel's findings will be sent, in writing, to the Clerk, to the parents/carers, the Governors, the Headteacher and, where relevant, to the person complained about. The letter will state the reasons for the decision reached and any recommendations made by the Panel.

## **Variation to Timescales**

Intervention of parallel investigations relevant to the complaint by the Police or social services may cause variation to these time scales. Any such variation will be notified to the complainant.

## **Record Keeping**

Each Academy will keep a record of all appeals, decisions and recommendations of the Complaints Panel. This information will be kept separate from the personal records of staff or students.

## **Consideration of Complaints**

- Only complaints received in writing (preferably using the Complaints form) will be considered.
- Anonymous complaints will not be considered.
- Complaints must be made within 3 months of the event. Complaints after this period will not be considered.

## **Vexatious Complaints**

This procedure should limit the number of complaints that become protracted, however, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Chairman of the Local Governing Body Committee or the Chief Executive is able, under this policy, to inform them in writing that the procedure has been exhausted and that the matter is now closed.

If the complainant remains unsatisfied, they may then take their complaint to the Education Funding Agency (EFA).

## **Appendix 1: Checklist for a Panel Hearing**

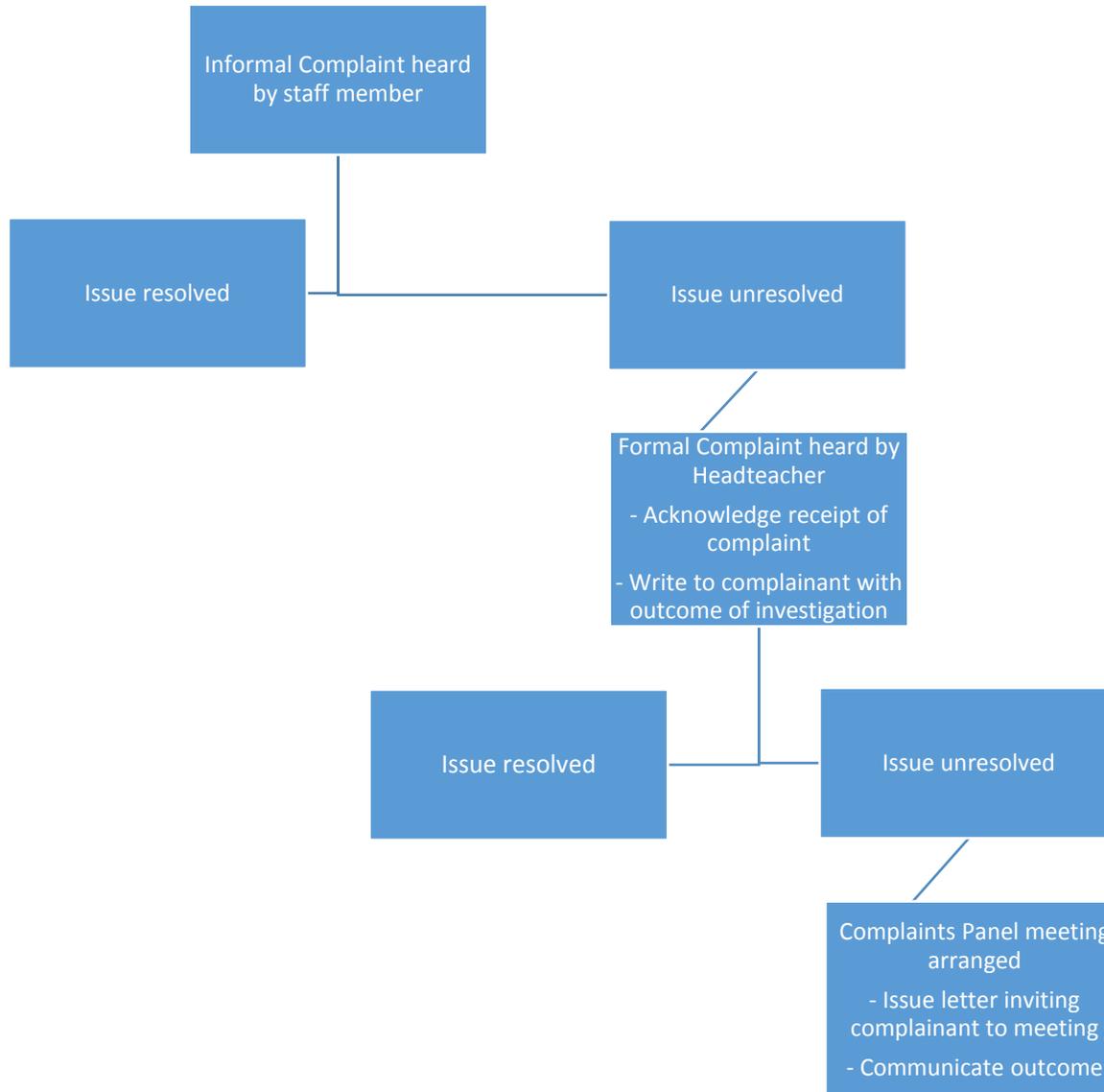
## **Appendix 2: Summary of dealing with complaints**

## **Appendix 3: Complaint Form**

## **APPENDIX 1 - Checklist for a Panel Hearing**

- Ensure the hearing is as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint and is followed by their witnesses.
- The Headteacher may question both the complainant and the witnesses after each has spoken.
- The Headteacher is then invited to explain the academy's actions and is then followed by the academy's witnesses.
- The complainant may question both the Headteacher and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The Headteacher is then invited to sum up the academy's actions and their response to the complaint.
- Both parties leave together while the Panel decides on the issues.
- The Chair explains that both parties will hear from the Panel within a set time-scale.

## APPENDIX 2 - Summary of Dealing with Complaints



**APPENDIX 3**

<b>SOUTH YORK MULTI ACADEMY TRUST - COMPLAINT FORM</b>
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Please complete and return to .....(Headteacher) who will acknowledge receipt and explain what action will be taken.

<b>Your name:</b>
<b>Student's name:</b>
<b>Your relationship to the student:</b>
<b>Address:</b>
<b>Postcode:</b>
<b>Daytime telephone number:</b>
<b>Evening telephone number:</b>
<b>Please give details of your complaint:</b>
<b>What action, if any, have you already taken to resolve your complaint. (Who did you speak to and what was the response)?</b>
<b>What actions do you feel might resolve the problem at this stage?</b>
<b>Are you attaching any paperwork? (If so please give details)</b>
<b>Signature:</b>
<b>Date:</b>
<b>OFFICIAL USE</b>
<b>Date acknowledgement sent:</b>
<b>By who:</b>
<b>Complaint referred to:</b>
<b>Date:</b>