



An Daras Trust  
Igniting Curiosity Growing Capabilities

# An Daras Multi-Academy Trust Complaints Policy

The An Daras Multi Academy Trust (TRUST) Company

An Exempt Charity Limited by Guarantee

Company Number/08156955

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# An Daras Multi-Academy Trust

## Complaints Policy

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### Principles

The principle of this policy is to ensure that a clear, logical and unambiguous process is set out, both for those who have a genuine grievance to raise and for those staff who may have had a complaint made against them. This policy will specify four stages of action whereby any complaints can be dealt with:

1. informally,
2. through a formal internal process,
3. through the local governing board/or board of directors
4. through the Secretary of State or the Ombudsman.

The aim of the policy is to ensure:

- Encourage the resolution of problems by informal means wherever possible
- Ensure that concerns are dealt with quickly, fully and fairly and within clearly defined time limits;
- Provide effective responses and appropriate redress;
- Maintain good working relationships between all people involved with TRUST.

### How this Policy links to other Guidance

This policy should be read in conjunction with the DfE guidance on schools' complaints procedures. Public Enquiries 0870 000 2288, <http://www.education.gov.uk>

This policy should also be read in conjunction with Trust policies on Safeguarding, Safer Recruitment and Whistle Blowing.

## **Rationale**

An Daras Multi Academy Trust is legally responsible for dealing with the majority of complaints. The purpose of this procedure is to lay out how complaints will be dealt with by the Trust. The Trust maintains a two-tier level of governance. Each individual academy school has a Local Governing Board Committee who will review complaints relating to the individual school. The Trust has a Board of Directors who will review complaints about the Executive Head Teacher, governors or directors.

Trust local governors/or directors must ensure that complaints are investigated thoroughly and fairly and that complainants are given a response within a reasonable time-scale.

Children as well as parents have legitimate rights to express concerns or to make complaints, but maturity and understanding will vary from child to child. Therefore, the Trust will consider a complaint on its merits. Please note that a person does not have to be a parent or a student of An Daras Trust schools to make a complaint. Please also note that anonymous complaints cannot be examined under a complaints' procedure.

Local governors/or directors have an important role to play in considering complaints, however, it is important for parents to understand that individual local governors/directors must not investigate complaints outside this procedure.

An Daras Academy Trust has appointed the Headteachers or Heads of School as the Complaints Officer in each individual academy to ensure that the complaints procedures are delivered and monitored satisfactorily. The Trust's Executive Heads have been appointed as the Complaints Officer in respect of complaints about the Heads of School. The Executive Head teacher will investigate complaints about the Heads of School in line with the stages of the policy and procedures set out below.

## **Procedures**

### **Stage 1 - Informal Resolution**

Many enquiries and concerns can be dealt with satisfactorily by the Class teacher, Lead Practitioner teacher, Key Stage leader, and Head of School or Executive Head teacher without the need to resort to a formal procedure. The Trust values informal meetings and discussions.

There is no suggested time-scale for resolution at this stage given the importance of dialogue through informal discussion. However, if the face-to-face discussion seems unlikely to resolve matters, then proceed to the next stage of the procedure.

It is important to note that any complaint that relates to a [diversity issue](#) will also be recorded on the diversity incident report form.

### **Stage 2 - Formal Written Complaints**

Where it has not been possible to resolve a complaint by way of informal discussion, the complainant should set out the precise nature of the complaint either in writing or via e-mail to the Head of School. TRUST local governors will not be involved at this stage. If the Head of School is the subject of a complaint, the complainant should send the form directly to the Executive Head teacher. However, if the Trust Executive Head teacher or a governor/director is the subject of a complaint, the complainant should send the form directly to the chair of the board of directors (in accordance with the additional guidance laid out in Appendix 1).

In a written complaint you must include the following information:

- Your name
- Pupil's name
- Your relationship with the pupil
- Address and telephone number
- Details of your complaint
- What action you have taken, if any, to try and resolve the complaint
- What actions you feel might resolve the problem at this stage.

Should a complaint be about a general matter, the Head of School may be able to respond immediately, e.g. if it only requires an explanation of individual school or TRUST policy. For most other complaints, which are likely to relate to specific actions or events, there is likely to be a need for further investigation in order to clarify the facts. The Head of School will normally undertake this investigation. However, the Head of School/Executive Head Teacher may feel that to proceed to Stage 3 (below) is the best course of action, depending on the circumstances. The chair of the Local Governor Board will then convene a meeting of the Local Governor panel (stage 3 below).

Complaints with respect to the conduct of a member of staff will be dealt with in accordance with the additional guidance laid out in Appendix 1. A meeting will be arranged between the complainant and the Head of School (or relevant person) but this will not automatically include any member of staff named in the complaint.

All formal complaints that are received will be recorded by the Trust and acknowledged within 5 academy working days. Investigations at this stage should normally be completed within 20 academy working days of receipt of the complaint, unless there is an ongoing child protection investigation, or where the staff disciplinary procedure is involved or another exceptional circumstance. The Trust will aim to send a formal response within 5 academy working days of the completion of the investigation. This gives a target of 5 academy weeks for the completion of this stage of the procedure. Please refer to Appendix 1 for the different timescales involved with complaints regarding the Executive Head teacher or a Local Governor/Director.

In the letter conveying the outcome of the investigation, the complainant should be informed of the process for referral to the Chair of Local Governors if they wish to take their complaint further. Should the staff disciplinary procedures or child protection procedures have been started then the complainant will be notified that other processes are being followed. Any notification shall be confidential to protect the member of staff.

The complainant may wish to proceed to consideration of the complaint by the Local Governors as set out below. It is up to the complainant to make this decision within two weeks of being informed of the outcome of the stage 2 investigation, unless there are exceptional reasons why this is not possible. It is up to the Chair of Local Governors to decide if there are any such circumstances.

### **Stage 3 - The Local Governing Board**

In all cases where the Head of School is unable to resolve a complaint to the satisfaction of the complainant, the complainant should contact to the Chair of the Local Governing Board (or Vice Chair if appropriate) via the Clerk to Local Governors, for the matter to be considered. All complaints that reach this stage will be recorded on existing records where available and acknowledged within 5 academy working days.

A panel will be convened by the Chair of the Local Governors (or Vice Chair if appropriate) consisting of at least three Local Governors that are not directly involved in the matters detailed in the complaint, at least one member of the panel will be independent of the management and running of the Trust. Individual Local Governors have no powers to investigate a complaint outside the complaints process. If necessary, a meeting with the complainant should be held in order to reach an appropriate solution.

The panel will normally review the investigations carried out under stage 2 and will decide whether or not any further investigation should be undertaken. However, in most cases where an investigation has been previously

carried out, the panel may decide only to consider the evidence already presented. Where complaints have been referred directly to stage 3 (relating to the Head of School), the panel will undertake the initial investigation.

Investigations at this stage should normally be completed within 15 academy working days of receipt of the complaint, unless there is an ongoing child protection investigation or where the staff disciplinary procedure is involved or another exceptional circumstance. The Trust will aim to send a formal response within 5 academy working days of the completion of the investigation. This gives a target of 4 academy weeks for the completion of this stage of the procedure.

Following the stage 3 investigation, the panel will decide on one of two outcomes:

1. Recommend that appropriate remedial action necessary to resolve the complaint be undertaken, or
2. Confirm that all internal investigative measures have been exhausted and uphold the original response.

The decision of the Local Governors' panel will be communicated in writing to the complainant within 5 academy working days of the meeting. The decision is confidential to the complainant, to the Local Governing Board and the Director's Board. The panel will report all outcomes of their investigations to the full Local Governing Board and Board of Directors.

#### **Stage 4 - Appeals to the Secretary of State or the Ombudsman**

Finally, complainants have a right of appeal to the Secretary of State for Education. It should be pointed out that the members of staff also have the same right of appeal.

If a complainant feels that there has been maladministration in the manner in which a complaint has been dealt with, this can be referred to the Local Government Ombudsman.

Please note that the Ombudsman can look into complaints about how something has been done, but she/he cannot question what has been done simply because the complainant does not agree with it. The relevant addresses are:

The Secretary of State Department for Education Sanctuary Buildings Great Smith Street, Westminster, London SW1P 3BT Tel: 0171 925 5000	Local Government Ombudsman The Oaks, Westwood Way, Coventry CV4 8JB Tel: 01203 695999
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#### **Monitoring and Evaluation**

At all formal stages of the complaints' procedure, the following information should be recorded:

The name of the complainant;

The date and time at which complaint was made;

The details of the complaint;

The desired outcome of the complainant;

How the complaint is investigated (including written records of interviews held);

Results and conclusions of investigations;

Any action taken;

The complainant's response (satisfaction or further pursuit of complaint)

The Trust has appointed the Heads of School as the Complaints Officer in each individual academy school. The Executive Head teachers have been appointed as the Complaints Officer for complaints relating to the Heads of

School. The Head of School will have responsibility for the operation and management of the Trust complaints policy and will be responsible for monitoring complaints. Records should be retained for a period of 3 years.

It is the responsibility of the Head of School and Local Governing Board to ensure that the procedures outlined above are closely followed and a review of these procedures should be made in the light of any formal action to ensure that any parties involved feel confident that they have been fairly represented.

### **Confidentiality**

Confidentiality is vital. All conversations and correspondence will be treated with discretion. Complainants have the right to know what use will be made of personal information and, accordingly, personal information will only be shared between staff on a 'need to know' basis.

### **Impact of Policy**

This policy has set out clear routes and guidelines for all stakeholders who wish to make a complaint about staff or procedures at Trust schools. This will ensure that correct procedures are followed by all concerned and that those facing a possible complaint understand their rights and responsibilities during any investigation.

## **Appendix 1**

### **Guidance on Complaints Regarding Staff**

A member of staff, who is the subject of the complaint, would normally be advised of the situation immediately. However, if the complaint involves a child protection issue, child protection arrangements will come into force involving the Social Services and Police.

The following procedure will be followed to investigate complaints about the conduct of members of staff.

- I. If, at any time during the investigation, there is a prima facie case for disciplinary action, the Trust's disciplinary procedure must be followed and no further action taken under the complaints' procedure. This also applies where child protection procedures are being followed.
- II. It may be advisable to meet with the complainant, before the investigation, in order to clarify the precise nature of the complaint and to discuss ways in which the matter might be resolved.
- III. If a formal investigation is required, then TRUST will adhere to the following principles:
  - a) If a member of staff is the subject of a complaint, he/she will be given a copy and advised to contact their trade union or professional association for advice and support.
  - b) The member of staff will be advised that a 'friend' or trades union representative may accompany him/her at any subsequent interview or hearing.
  - c) The complaint will be treated as an allegation only, during the investigation stage.
  - d) The Trust Investigating Officer will invite all parties, (including witnesses), to provide written statements as part of the investigation.

#### **Additional guidance on Formal Complaints about Executive Head teachers, Local Governor or Director.**

Formal complaints about the Executive Head teachers, Governors or Director will be referred directly to the Chair of Directors. The Chair of Directors should acknowledge the written complaint in writing within 10 Academy working days. The letter may include brief details of the terms of the investigation and the role of the Directors in resolving the complaint.

Depending on the nature of the complaint, the Chair of Directors may need to interview the Executive Head teacher/Governor/Director and obtain witness statements. Once the Chair has completed the investigation, a written response will need to be sent to the complainant outlining briefly the results of the investigation and the course of action taken by the Chair of Directors. The letter should also indicate the next stage in the process if the complainant remains unhappy with the outcome.