

Complaints Policy

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V1	Feb 2020	S Jarvis, CEO	First Trust-wide Complaints policy
V1.1	Dec 2020	S Jarvis, CEO	Roles and responsibilities clarified
V1.2	Feb 2024	A Yarrow, CEO	Addition of Document Control Table Addition of procedure for <i>Vexatious Complaints</i>

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About this Policy

The Board of The Prospect Trust is committed to providing the best educational experience it can for all learners attending Prospect Trust Academies.

The Board recognises the value to all concerned of dealing fairly, speedily and effectively with any complaint against decisions, actions or omissions, which a learner or parent or other aggrieved person may have. To this end, the Board has adopted the underlying principles and procedures set out below.

Aims

Our Academies aim to meet their statutory obligations when responding to complaints from parents of our learners, and others. When responding to complaints, The Prospect Trust will aim to:

- be impartial and non-adversarial;
- facilitate a full and fair investigation, by an independent person or panel, where necessary;
- address all the points at issue and provide an effective and prompt response;
- respect complainants' desire for confidentiality;
- treat complainants with respect and courtesy;
- ensure that any decisions made are lawful, rational, reasonable, fair and proportionate;
- keep complainants informed of the progress of the complaints process; and
- consider how the complaint can feed into Academy improvement evaluation processes.

Wherever possible, The Prospect Trust will do all it can to try to resolve concerns or complaints by informal means. Where this is not possible, formal procedures will be followed.

Throughout the complaints process, The Prospect Trust will be sensitive to the needs of all parties involved, and make reasonable adjustments to accommodate individuals.

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 the Trust must have and make available a written procedure to deal with complaints from parents of learners at the Academy.

This policy also complies with the Trust Funding Agreement and Articles of Association.

Definitions

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' The Academy will resolve concerns through day-to-day communication as far as possible.
- a **complaint** is defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'.

Scope of the Policy

The Prospect Trust intends to resolve complaints informally wherever possible, at the earliest possible stage. There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling formal complaints. This policy does **not** cover complaints procedures relating to:

- Admissions;
- Exclusions;
- Privacy notices;
- Safeguarding matters;
- Staff discipline;
- Staff grievances;
- Statutory assessments of special educational needs (SEN); or
- Whistle-blowing.

Please see the separate Prospect Trust/Academy policies for procedures relating to these types of complaint.

Complaints about services provided by other providers who use Academy premises or facilities should be directed to the provider concerned.

Roles and responsibilities

The complainant

The complainant will get a more effective and timely response to their complaint if they:

- follow these procedures;
- co-operate with the Academy throughout the process, and respond to deadlines and communication promptly;
- treat all those involved with respect; and
- do not publish details about the complaint in any format (including social media).

The investigator

An Academy staff member will be appointed by the Academy Head or Principal, to look into the complaint and establish the facts. They will:

- inform all members of Academy staff who are directly involved and advise those staff where the Complaints Policy can be found;

- inform the complainant they are now the contact point for the complaint and explain complaint procedure and timeframes to the complainant;
- inform The Prospect Trust CEO of the nature of the complaint;
- interview all relevant parties, keeping notes;
- consider records and any written evidence and keep these securely;
- create an electronic file of all relevant material accessible to the Academy Executive Office; and
- prepare a comprehensive report which includes the facts and potential solutions and share this report with the Academy Head or Principal, complainant, relevant senior staff member, AQC Chair, Stage 3 Panel (if the complaint is escalated).

Academy Executive Office

The Academy Executive Office will:

- be the contact point for the complainant and the Stage 3 Complaints Panel;
- arrange the Complaints Panel meeting at Stage 3;
- prepare a pack of relevant papers and evidence and post this to all Stage 3 Panel Members, Academy Representative and Complainant prior to the Hearing;
- record and circulate the minutes of the Stage 3 Hearing; and
- inform all interested parties of the final outcome of Stage 3.

Panel Chair

The Complaints Panel Chair will:

- chair the Panel hearing at Stage 3, ensuring that everyone is treated with respect throughout;
- make sure all parties see the relevant information, understand the purpose of the Panel, and are allowed to present their case; and
- prepare a comprehensive report of the Stage 3 investigation which includes the facts and potential solutions and share this report with the Academy Executive Office for distribution to all interested parties.

Principles for investigation

When investigating a complaint, the Academy will seek to clarify:

- what has happened;
- who was involved; and
- what the complainant feels would put things right.

Timescales

The intention will be to address complaints as quickly as possible whilst memories are fresh. To achieve this, realistic and reasonable time limits will be set for each action

within each stage. However, should it be necessary to extend the investigation, revised time limits will be set and the complainant will be informed with an explanation for the delay.

The Prospect Trust and its Academies expect that complaints will be made as soon as possible after an incident arises and no later than 3 months afterwards.

Stages of complaint

(See page 9 for complaints against the Head, Principal, Academy Quality Councillors or Trustees)

Stage 1 - Informal Stage

The Academy will take informally-expressed concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will quickly resolve the issue.

The complainant should raise the complaint as soon as possible with the relevant member of staff at the Academy as appropriate, either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact the Academy Executive Office.

The Academy will acknowledge informal complaints within 5 Academy working days and investigate and provide a response within 10 Academy working days.

If the complaint is not resolved informally, it can be escalated to a formal complaint.

Stage 2 – Formal to the Head or Principal of the Academy

Formal complaints must be raised in writing.

The complainant should provide details such as relevant dates, times, and the names of witnesses of events, alongside copies of any relevant documents, and the actions they would like to see taken by the Academy to resolve the complaint. All complaints at this stage should be made in full as new areas of the same complaint cannot be introduced at a later stage.

The Head or Principal of the Academy, or delegated alternative, will clarify concerns, conduct an investigation and seek a resolution. They will provide a comprehensive report which includes the facts and potential solutions and share this report with the Academy Head or Principal, complainant, relevant senior staff member, AQC Chair and Stage 3 Panel (if the complaint is escalated). The report will be circulated within 10 Academy working days.

The Academy Head or Principal will ensure that the CEO of The Prospect Trust is informed of any complaints at Stage 2 without delay and is kept informed thereafter.

How to escalate a complaint

If the complainant has grounds to believe the complaint has not been fully investigated or correct procedure has not been followed, they should inform the Academy Executive Office in writing within 10 Academy working days from issuance of the Stage 2 Report.

Stage 3 - Complaints Panel Hearing

The Academy Executive Office will convene a Complaints Panel Hearing if the complainant is not satisfied that the complaint has been fully investigated or correct procedure has not been followed during the Stage 2 investigation. A Complaint Panel Hearing is a review of the investigation undertaken by the Head or Principal (or delegated member of staff).

The Panel will consist of three or more AQC Members who were not directly involved in the matters detailed in the complaint. The Panel will not include Academy staff. The Prospect Trust reserves the right to a place on the Panel. One Panel Member will be appointed as Panel Chair. The Panel will receive all relevant information pertaining to the complaint including the Stage 2 Report. This information will be posted to each Panel Member and an identical pack will be posted to the complainant.

The complainant will be invited to a Panel Hearing, with reasonable notice; however, the Panel reserves the right to convene at the convenience of its members rather than that of the complainant. At the Complaints Panel Hearing, the complainant and representatives from the Academy, as appropriate, will be present. Each will have an opportunity to set out written submissions prior to the meeting. At the Hearing, each individual will have the opportunity to give statements and present their evidence that the process undertaken at Stage 2 of the investigation was deficient with respect to providing a fair and comprehensive consideration of the complaint. For example, the complainant may present evidence that pertinent evidence was not considered or that the complaint was not fully addressed. Witnesses will be called, as appropriate, to present their evidence.

The Panel, the complainant and the Academy representative(s) will be given the chance to ask and reply to questions. Once the complainant and Academy representative(s) have presented their cases, they will be asked to leave and evidence will then be considered by the Panel.

After consideration of the case and possible further investigation, the Panel will produce a written report detailing their decision. Where there is disagreement within the Panel, a majority view will be taken. The Panel Chair, via the Academy Executive Office, will inform the complainant and Academy representatives of the Panel decision within 15 Academy working days after the hearing.

The Panel's decision is final. On the basis of their investigation, the Panel will either:

- a) confirm the Stage 2 investigation was thorough and followed the correct procedure; or
- b) decide the Stage 2 investigation was incomplete and / or procedure was not correctly followed. Where this is the case, the Panel will review the decisions made at Stage 2 and recommend appropriate action to resolve the complaint. The Panel may also recommend changes to the Academy's systems or procedures to ensure that problems of a similar nature do not recur.

Complaints against the Head or Principal or an Academy Councillor

Complaints made against an Academy Head or Principal should be directed to the Chair of the Academy Quality Council who will follow the procedure as set out in Stage 3.

Where a complaint is against the Chair of the Academy Quality Council or any member of the AQC, it should be made in writing to the Trust Governance Advisor in the first instance, who will escalate it to the The Prospect Trust CEO who will investigate it and respond to the complainant.

Complaints against the CEO or any Trustee (including the Chair)

Complaints made against the CEO should be directed to the Chair of the Trust Board who will investigate following the procedures as set out in Stage 3. Instead of using members of the AQC, Trustees would be involved in any Complaints Panel Hearing.

Complaints made against the Chair, or any other Trustee, of the Trust Board should be directed to the Trust Governance Advisor to the Trust Board who will convene a Complaints Panel made up of The Prospect Trust Trustees and one panel member who is independent of the Trust.

Further stages

If the complainant is unsatisfied with the outcome of The Prospect Trust'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 Prospect Trust. The ESFA will not overturn the Trust's decision about a complaint. However, it will look into:

- whether there was undue delay, or the Trust did not comply with its own complaints procedure;
- whether the Trust was in breach of its funding agreement with the Secretary of State; and
- whether the Trust has failed to comply with any other legal obligation.

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

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

Persistent complaints

Where a complainant tries to re-open the 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 AQC (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 The Prospect Trust will not respond 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.

In response to any serious incident of aggression or violence, The Prospect Trust will immediately inform the police and communicate its actions in writing. This may include barring an individual from an Academy site.

Vexatious Complaints

The Prospect Trust and its Academies reserve the right not to investigate complaints considered to be vexatious, malicious or unreasonable. Where complaints are considered to be of this nature, the respective school will inform the complainant of this judgement and explain that the complaint will not be investigated further.

A complaint is defined as vexatious, malicious or unreasonable where it:

- Is obsessive, persistent, harassing, prolific or repetitious;
- Insists upon pursuing unmeritorious complaints and / or unrealistic outcomes beyond all reason;
- Insists upon pursuing meritorious complaints in an unreasonable, abusive, aggressive or threatening manner;
- Includes insulting personal comments about, or threats towards, staff;
- Is designed to cause disruption or annoyance;
- Demands redress that lacks any serious purpose or value.

Duplicate complaints

If The Prospect Trust has resolved a complaint under this procedure and receives a duplicate complaint on the same subject from a partner, family member or other individual, it will assess whether there are aspects of the complaint which haven't previously been considered, or any new information needs to be taken into account.

If The Prospect Trust is satisfied that there are no new aspects, it will:

- inform the new complainant that the complaint has already been investigated and a response made and that the process is complete; and
- direct them to the DfE if they are dissatisfied with the original handling of the complaint.

Complaint campaigns

Where the Academy receives a large volume of complaints about the same topic or subject the Academy may respond to these complaints by either:

- publishing a single response on the Academy website; or
- 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.

Record keeping

A written record will be kept by the Academy of all complaints, including informal complaints. This record will confirm the level at which the complaint is resolved, including whether it progresses to a formal hearing. The Academy Head or Principal is responsible for ensuring that staff record all complaints and their outcome.

- Records relating to individual complaints are confidential, except where the Secretary of State or a statutory body conducting an inspection requests access to them.
- The AQC will monitor the level and the subject matter of complaints and review the outcomes on a regular basis through the mechanism of performance and data reporting.

Monitoring arrangements

The AQC of each Academy will track the number and nature of complaints in their Academy and review underlying issues.

This policy will be reviewed by the Trust Board every 3 years.

Links with other policies

Policies dealing with other forms of complaints include:

- Admissions Policy
- Child Protection and Safeguarding Policy and Procedures
- Exclusions Policy
- Staff Grievance Procedures
- Staff Disciplinary Procedures
- SEN Policy and Information Report
- Privacy Notices
- Whistle-blowing

What action, if any, have you already taken to try and resolve your complaint. (Who did you speak to, when, and what was the response?)

What actions do you feel might resolve the problem at this stage?

Are you attaching any paperwork? If so, please give details

Signed:

Date

Official Use:

Date acknowledgement sent:

By who:

Complaint referred to:

Date: