

The Prospect Trust Complaints Procedure

Approved by The Prospect Trust Board

Effective from February 2020

Due for Revision February 2023

About This Policy

The Board of The Prospect Trust is committed to providing the best educational experience it can for all learners attending TPT 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 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 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 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 Trust policies for procedures relating to these types of complaint.

Arrangements for handling complaints from parents of children with special educational needs (SEN) about the Academy's support are within the scope of this policy. Such complaints should first be made to the Academy Principal; they will then be referred to this complaints policy.

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 on social media.

The investigator

An individual will be appointed to look into the complaint and establish the facts. They will:

- interview all relevant parties, keeping notes;
- consider records and any written evidence and keep these securely; and

- prepare a comprehensive report to the Academy Principal (or complaints panel) which includes the facts and potential solutions.

Clerk to the Academy Quality Council (AQC)

The Clerk will:

- be the contact point for the complainant and the Complaints Panel, including circulating the relevant papers and evidence before Complaints Panel meetings;
- arrange the Complaints Panel meeting at stage 4; and
- record and circulate the minutes and outcome of the meeting at stage 4.

Panel Chair

The Complaints Panel Chair will:

- chair the Panel hearing at stage 4, ensuring that everyone is treated with respect throughout; and
- make sure all parties see the relevant information, understand the purpose of the Panel, and are allowed to present their case.

Principles for investigation

When investigating a complaint, the Trust 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 7 for complaints against the 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 Office.

The Academy will acknowledge informal complaints within 5 Academy working days and investigate and provide a response within 15 Academy working days.

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

Stage 2 – Formal to the 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 Principal of the Academy will investigate, or appoint an investigator in their place, who will clarify concerns and seek a resolution. They will then conduct an investigation and provide a written conclusion of this investigation to be sent to the complainant within 15 Academy working days.

How to escalate a complaint

If the complainant does not agree with the resolution and wants to proceed to the next stage of the procedure, they should inform the Clerk to the Academy Quality Council (AQC) in writing within 15 Academy working days.

Stage 3 – Formal to the Chair Academy Quality Council

The Chair of the Academy Quality Council will review the complaint, clarify concerns and seek a resolution (this may involve a meeting with the complainant if the Chair feels it is necessary). They will provide a written outcome of this decision which will be sent to the complainant within 15 Academy working days.

How to escalate a complaint

If the complainant does not agree with the resolution and wants to proceed to the next stage of the procedure, they should inform the Clerk to the AQC in writing within 15 Academy working days.

Stage 4 - Complaints Panel Hearing

The Clerk of the AQC will convene a Complaints Panel Hearing if the complainant is not satisfied with the outcome of the stage 3 investigation. A Complaint Panel Hearing is a review of the decisions taken by the Principal and, where relevant, the AQC Chair.

The Panel will consist of at least 2 AQC Members (but not the AQC Chair) who were not directly involved in the matters detailed in the complaint. In addition, the Panel will include a person independent of the management and running of the Academy. The Prospect Trust reserve the right to a place on the Panel. One Panel member will be appointed as Panel Chair. The Panel will have access to the existing record of the complaint's progress (see Record Keeping section below).

The complainant will be invited to a Panel Hearing, with reasonable notice of the date of the Complaints Panel; however, the Panel reserve 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 or oral submissions prior to the meeting. At the Hearing, each individual will have the opportunity to give statements and present their evidence, and 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, the Panel Chair will inform the complainant and Academy representatives of the Panel deliberations and whether they have decided to reject or uphold the complaint within 20 Academy working days after the hearing.

The Panel's decision is final. Either the Panel will:

- a) dismiss the complaint;
- b) uphold the complaint; or
- c) uphold the complaint in part.

Should the course of action be either (b) or (c), the Panel will decide on the appropriate action to be taken to resolve the complaint. The Panel will also recommend changes to the Academy's systems or procedures to ensure that problems of a similar nature do not recur.

Complaints against the Principal or an Academy Councillor

Complaints made against an Academy Principal should be directed to the Chair of the Academy Quality Council who will follow the procedure as set out in stages 3 and 4.

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 Clerk to the AQC in the first instance, who will escalate it to the Trust's CEO who will investigate it and respond to the complainant.

Complaints against the CEO or any Trustee (including the Chair) of The Prospect Trust

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 stages 3 and 4

above. 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 Clerk 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 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 Trust. The ESFA will not overturn a 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 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 Trust will immediately inform the police and communicate its actions in writing. This may include barring an individual from an Academy site.

Duplicate complaints

If the 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 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, especially if these come from complainants unconnected with the Academy, the Academy may respond to these complaints by:

- 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 of all complaints by the Academy, 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 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 Academy Quality Council 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.

The Prospect Trust

The Academy Principal will ensure that the CEO of the Prospect Trust is informed of any complaints at Stage 2 to 4 without delay and is kept informed as to all stages of the complaint thereafter.

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

Complaint Form

Please complete and return to the appropriate member of staff who will acknowledge receipt and explain what action will be taken.

Complainant's Name:	
Learner's Name/Class:	
Complainant's Relationship to Learner:	
Address of Complainant:	
Post Code	Daytime Tel:
Mobile:	Email:
Please give details of your complaint:	

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: