



TRUST/ACADEMY COMPLAINTS PROCEDURE

The CEO will review this policy on 2 yearly cycle

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| Policy Version: | V1 |
| Colleagues affected by this Policy: | All stakeholders |
| Person responsible for the Policy: | CEO |
| Approved by/ date: | July 2022 |
| Next review: | |

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Introduction

The policy of The Sea View Trust is to work in partnership with Academies, learners, students, staff, parents, carers, other stakeholders and the wider community. It is based on the belief that co-operation and a sense of joint purpose will assist in ensuring open and positive relationships. From time to time however, there may be a concern or complaint, either orally or in writing, about an aspect of the Trust, one of its Academies or an individual.

Who can make a complaint?

This complaints procedure is not limited to parents or carers of children that are registered at the Academy. Any person, including members of the public, may make a complaint to The Sea View Trust, or any of its settings, about any provision of facilities or services provided. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), this complaints procedure will be used.

The difference between a concern and a complaint

A concern may be defined as *'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'*.

A complaint may be defined as *'an expression of dissatisfaction however made, about actions taken or a lack of action'*.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. The Sea View Trust takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

It is understood however, that there are occasions when people would like to raise their concerns formally. In this case, The Sea View Trust will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

How to raise a concern or make a complaint

A concern or complaint can be made in person, in writing or by telephone. It may also be made by a third party acting on behalf on a complainant, providing they have appropriate consent to do so.

| Complaint | Who to contact |
|---|-----------------------|
| Something that has happened, or failed to happen, in an Academy | The Headteacher |
| The actions of a Headteacher | Chair of Governors |
| The actions of a Governor | Chair of Governors |
| The actions of a Chair of Governors | Chair of Trustees |

| | |
|--------------------------------------|-------------------|
| The actions of a Governing Body | Chair of Trustees |
| The actions of the CEO | Chair of Trustees |
| The actions of the Chair of Trustees | Members Board |
| The actions of the Trust Board | Members Board |

For ease of use, a template complaint form is included at the end of this procedure. If you require help in completing the form, please contact the Academy or Trust Office. You can also ask a third-party organisation for example like the Citizens Advice to help you.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

Anonymous complaints

We will not normally investigate anonymous complaints. However, the CEO, Headteacher, Chair of Governors or Chair of Trust if appropriate, will determine whether the complaint warrants an investigation.

Time scales

You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

Complaints received outside of term time

We will consider complaints made outside of term time to have been received on the first Academy term day after the holiday period.

Scope of this complaints procedure

This procedure covers all complaints about any provision of community facilities or services by The Sea View Trust or any of its settings, other than complaints that are dealt with under other statutory procedures, including those listed below.

| Exceptions | Who to contact |
|--|--|
| <ul style="list-style-type: none"> Admissions to academies | Concerns about admissions should be handled through a separate process – either through the appeals process or via the local authority. |
| <ul style="list-style-type: none"> Matters likely to require a Child Protection Investigation | Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. |

| | |
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| | If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH) |
| <ul style="list-style-type: none"> Exclusion of children from Academy * | <p>Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.</p> <p><i>*complaints about the application of the behaviour policy can be made through the complaints procedure.</i></p> |
| <ul style="list-style-type: none"> Whistleblowing | <p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus.</p> <p>Volunteer staff who have concerns about our Academy should complain through the complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.</p> |
| <ul style="list-style-type: none"> Staff grievances | Complaints from staff will be dealt with under the Trust's internal grievance procedures. |
| <ul style="list-style-type: none"> Staff conduct | <p>Complaints about staff will be dealt with under the Trust's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p> |

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations. If this happens, we will inform you of a proposed new timescale.

If a complainant commences legal action against The Sea View Trust in relation to their complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

Resolving complaints

At each stage in the procedure, The Sea View Trust aims to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation

- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review Trust/Academy policies in light of the complaint
- an apology.

Withdrawal of a complaint

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

Stage 1 - Informal complaints

It is to be hoped that most concerns can be expressed and resolved on an informal basis.

Concerns should be raised with either the class teacher, year head / subject head or Headteacher. Complainants should not approach individual Governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 3 of the procedure.

At the conclusion of their investigation, the appropriate person investigating the complaint will provide an informal written response within 20 Academy working days of the date of receipt of the complaint.

If the issue remains unresolved, the next step is to make a formal complaint.

Stage 2 – Formal complaints

Formal complaints must be made to the Headteacher (unless they are about the Headteacher), via the Academy office. This may be done in person or in writing (preferably on the Complaint Form).

The Headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 5 Academy working days.

Within this response, the Headteacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Headteacher can consider whether a face to face meeting is the most appropriate way of doing this.

Note: The Headteacher may delegate the investigation to another member of the Academy's senior leadership team but not the decision to be taken.

During the investigation, the Headteacher (or investigator) will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, the Headteacher will provide a formal written response within 20 Academy working days of the date of receipt of the complaint.

If the Headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the Academy will take to resolve the complaint.

The Headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

If the complaint is about the Headteacher, or a member of the governing body (including the Chair or Vice-Chair), a suitably skilled Governor will be appointed to complete all the actions at Stage 2.

Complaints about the Headteacher or member of the governing body must be made to the Academy Business Lead, via the Academy office.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage 2 will be escalated to the CEO of the Trust.

Stage 3 – Panel Hearing

If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3 – a panel hearing of the local governing body consisting of at least three people who were not directly involved in the matters detailed in the complaint with one panel member who is independent of the management and running of the Academy. A request to escalate to Stage 3 must be made to the Business Lead, via the Academy office, within **5 Academy working days** of receipt of the Stage 2 response.

The Business Lead will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within **5 Academy working days**.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Business Lead will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within **20 Academy working days** of receipt of the Stage 2 request. If this is not possible, the Business Lead will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Business Lead will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or

- the majority of the governing body

Stage 3 will be heard by the Trustees and an independent panel member.

A complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate.

For instance, if an Academy employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under Human Resources staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.

Representatives from the media are not permitted to attend.

At least **10 Academy working days** before the meeting, the Business Lead will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- request copies of any further written material to be submitted to the committee at **least 5 Academy working days** before the meeting.

Any written material will be circulated to all parties **5 Academy working days** before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

The committee will consider the complaint and all the evidence presented. The committee can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the Academy /Trust's systems or procedures to prevent similar issues in the future.

The Chair of the Committee will provide the complainant and the Academy with a full explanation of their decision and the reason(s) for it, in writing, within **5 Academy working days**.

The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by [the Academy](#).

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the Academy will take to resolve the complaint.

The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the Academy premises by the proprietor and the Headteacher.

A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing, along with what actions have been taken, regardless of the decision.

All correspondence statements and records relating to individual complaints will be kept confidential, except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

Complaints escalated to / about the Trust, CEO or Trustee

If a complaint is escalated to The Sea View Trust or if a complainant wishes to complain directly about the Trust, then the complaint should be sent to the CEO/Trust office for investigation.

The CEO/COO will write to the complainant acknowledging the complaint, within **5 Academy working days** of the date that the written request was received. The acknowledgement will confirm that the complaint will be investigated under the appropriate stage of this Complaints Policy and it will also confirm the date for providing a response to the complainant.

Following the investigation, the CEO/COO will write to the complainant confirming the outcome within **20 Academy working days** of the date that the letter was received. If this time limit cannot be met, the complainant will be written to within **5 Academy working days** of the date that the letter was received, explaining the reason for the delay and providing a revised date.

NB. Where the Chair of the Trust Board has investigated the complaint, they will write the letter of outcome to the complainant and provide a copy to the CEO.

If the complainant is not satisfied with the outcome of the previous stage, the complainant should write to the Clerk to the Trust Board asking for the complaint to be heard before a Complaints Panel, within **5 Academy working days**.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within **5 Academy working days**.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within **20 Academy working days** of receipt of the Stage 4 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

If the complaint is:

- jointly about the Chair and Vice Chair of The Trust Board or

- the entire Trust board or
- the majority of the Trust board

Stage 3 will be heard by a completely independent committee panel. This is the final stage of the complaints procedure.

The Complaints Panel will consist of three members. None of the three members of the Complaints Panel will have been involved in the incidents or events which led to the complaint, or have been involved in dealing with the complaint in the previous stages, or have any detailed prior knowledge of the complaint.

One of the Complaints Panel members will be independent of the management and running of the Academy Trust. This means that the independent Complaints Panel member will not be a Trustee or an employee of the Trust.

A complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate.

For instance, if a Trust employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.

Representatives from the media are not permitted to attend.

At least 10 Academy working days before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- request copies of any further written material to be submitted to the committee at least **5 Academy working days** before the meeting.

Any written material will be circulated to all parties **5 Academy working days** before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

The committee will consider the complaint and all the evidence presented. The committee can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the Academy /Trust's systems or procedures to prevent similar issues in the future.

The Chair of the Committee will provide the complainant and The Sea View Trust with a full explanation of their decision and the reason(s) for it, in writing, within **5 Academy working days**.

The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by The Sea View Trust.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions The Sea View Trust will take to resolve the complaint.

The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the Academy premises by the proprietor and the Headteacher.

A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing, along with what actions have been taken, regardless of the decision.

All correspondence statements and records relating to individual complaints will be kept confidential, except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

Next Steps

If the complainant believes the Academy / Trust did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the ESFA after they have completed Stage 3.

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by the Academy/Trust. They will consider whether the Academy/Trust has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed [Part 7 of the Education \(Independent School Standards\) Regulations 2014](#).

The complainant can refer their complaint to the ESFA online at: www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:

Academy Complaints and Customer Insight Unit
Education and Skills Funding Agency
Cheylesmore House
5 Quinton Road
Coventry
CV1 2WT

Complaint Form

Please complete and return to **Headteacher, Business Lead, Clerk to Trust** *as appropriate* who will acknowledge receipt and explain what action will be taken.

| |
|---|
| Your name: |
| Pupil's name (if relevant): |
| Your relationship to the pupil (if relevant): |
| Address: Postcode: Day time telephone number: Evening telephone number: Email address: |

Please give details of your complaint, including whether you have spoken to anybody at the Academy about it.

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

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

Signature:

Date:

Official use:

Date complaint received & method e.g. email/post:

Date acknowledgement sent:

By who:

Complaint referred to:

Action taken:

Date:

Roles and Responsibilities

Complainant

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the Academy in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality.

Investigator

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
 - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
 - interviewing staff and children/young people and other people relevant to the complaint
 - consideration of records and other relevant information
 - analysing information
- liaising with the complainant as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the Headteacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems
- The Headteacher or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

Business Lead/Clerk to the Trust Board

The Business Lead/Clerk is the contact point for the complainant and the committee and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to Academy complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example: stage 1 paperwork, Academy and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the committee's decision.

Committee Chair

The committee's chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Business Lead/Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the committee is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.

If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting

- both the complainant and the Academy / Trust are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the committee is open-minded and acts independently
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Business Lead/Clerk.

Committee Member

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so
- no Governor / Trustee may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the Academy and the complainant
- we recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations
- many complainants will feel nervous and inhibited in a formal setting
- parents/carers often feel emotional when discussing an issue that affects their child
- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting
- careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated
- the committee should respect the views of the child/young person and give them equal consideration to those of adults
- if the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend
- however, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests
- the welfare of the child/young person is paramount.