



ESPRIT Complaints Policy

Full Governing Body agree to adopt this policy September 2018 and agree next review date of July 2021



1. Policy Aim

In line with the Education Act 2002, Academies within the Esprit Multi Academy Trust will:

- Encourage the resolution of problems by informal means wherever possible.
- Allow swift handling with established time-limits for action and keeping people informed of any progress.
- Ensure a full and fair investigation by an independent person where necessary.
- Respect people's desire for confidentiality.
- Address all the points at issue and provide an effective response and appropriate redress where necessary.
- Provide information to the Academy's Senior Management team so that services can be improved.

2. Relationship to Guidelines, Procedures, Other Policies & Legal Requirements

We believe that the Trust provides an excellent education and that the Principals and Academies' staff work very hard to build positive relationships with all parents and stakeholders. However, we are obliged under Section 39 of the Academy Standards and Framework Act to have in place a clear formal procedure to deal with complaints made against the Academy or individuals connected with it in circumstances when the person raising the concern remains dissatisfied and wishes to take the matter further.

We are aware that under the Education Act 2002 parents have the right to complain directly to the Secretary of State about any matter relating to the Academy's curriculum and any issue relating to the general educational that we provide. This policy also has due regards to the Data Protection Act 2018, the Freedom of Information Act 2000, the Immigration Act 2016, the Equality Act 2010.

We have a duty to publish the complaints procedure in the Academy internal network and on the Academy website with hard copies available from the Academy office.

3. Policy Statements

3.1 The Esprit Multi Academy Trust prides itself on the quality of teaching provided for its pupils. However, if parents have concerns, they can expect any issues to be treated seriously by the Esprit Multi Academy Trust in accordance with this policy document.

3.2 The Complaints Policy has been created to deal with any complaint against a member of staff or the Academy as a whole, relating to aspects of the Esprit Multi Academy Trust or the provision of facilities or services.

- A complaint can be raised by a parent of a registered child at the Academy or any person who has been provided with a service/facility at the Academy. This person is referred to as the complainant.



- The Academy may have a nominated member of staff with responsibility for the operation and management of the Academy complaints procedure, the Complaints Co-ordinator. This member of staff, however, may not necessarily be the Principal. At the Academy, the teacher will be the first point of contact.
- A concern becomes a complaint only when the complainant asserts the Academy has acted wrongly in some significant decision, action or failure to take action.
- Even when a complaint has been made it can be resolved or withdrawn at any stage.
- A complainant will not always be informed of the actions taken by the Academy following an investigation due to confidentiality.
- The Academy reserves the right to ask a complainant to leave the premises should their actions become verbally or physically abusive towards any member of our staff when making a complaint.

Dealing with concerns informally

The Academy recognises that a vast majority of complaints and concerns can be resolved informally.

- The complainant must feel able to raise concerns and complaints with members of staff, either by writing in communication diary, in person or by telephone. A preliminary discussion may be undertaken to help clarify if he or she is making a complaint or expressing an opinion, and whether they wish to take it further.
- The complainant may wish to be accompanied to any discussion if they wish.
- The member of staff dealing with the concern should make sure that the complainant is clear what action (if any) or monitoring of the situation has been agreed.
- The process should be completed within the relevant timescales with appropriate detail.
- Where no satisfactory solution has been found, the complainant should be informed that he or she will need to consider whether to make a formal complaint in writing to the Principal. (See Appendix 1 or 2.)

3.3 Monitoring and recording complaints

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

- Name of the complainant.
- Date and time at which complaint was made.
- Details of the nature of the complaint.
- Desired outcome of the complainant.
- How the complaint is being investigated (including written records of any interviews held).
- Results and conclusions of investigations.
- Any action taken.
- The complainant's response.
- Record of any subsequent action if required.

3.4 Special Circumstances

- If the complaint suggests that a pupil has been at risk of significant harm through violence, emotional abuse, sexual interference or neglect, it may be referred without further notice to Children’s Social Care and/or to the LADO and/or to the social services authority for the area in which the pupil lives.
- If a social services authority decides to investigate a situation, this may postpone or supersede investigation by the Principal or Governing Body.
- Where a matter can be resolved through a legal appeal, it will not be considered as a formal complaint. The key areas are: admissions decisions; certain decisions relating to formal assessment of special educational needs; and decisions to permanently exclude a pupil.

4. Complaints Procedure

4.1 Stage 1a – Informal concerns Heard by Staff Member

- Complainant discusses their concerns with pupil’s teacher (Appendix 1 can be used for this purpose).
- Many concerns can be resolved by simple clarification or the provision of information and most concerns or complaints are normally resolved at this point. If necessary, members of the school’s Senior Leadership Team may be involved at this stage.
- If a resolution cannot be sought at this level, or the complainant is dissatisfied at the outcome of these initial discussions, then the complainant may wish to escalate the complaint to the Head of year

Stage 1b – Informal concern heard by Head of year

- Complainant discusses their concerns with pupil’s Head of year (Appendix 1 can be used for this purpose).
- If a resolution cannot be sought at this level, or the complainant is dissatisfied at the outcome of these initial discussions, then the complainant may wish to escalate the complaint to the assistant Principal/ Deputy Principal in writing (Appendix 1) to the next level of the procedure, stage 2, within 5 school working days of receipt of the outcome.

Where the complaint concerns the Principal, the complaints co-ordinator can refer the complainant to the Chair of Governors.

If the first approach is made to a Governor, the next step would be to refer the complainant to the appropriate person and advise them about the procedure.

Governors should not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages, in case they are needed to sit on a panel at a later stage of the procedure.

4.2 Stage 2 – Formal Complaint Heard by the Principal who may delegate this to Assistant Principal/Deputy Principal

- After completing appendix 1 the complainant may if they wish request an appointment to see the Principal. This should be as soon as reasonably practical to avoid any possible worsening of the issue. The complainant may be accompanied if they wish.
- Written acknowledgement of the complaint will be made within 3 school days informing the complainant that they will be informed of the outcome of their complaint within 10 school days of the Principal/Assistant Principal/Deputy Principal receiving the complaint (Appendix 1a).
- The Principal may delegate the task of collating the information to another staff member but not the decision on the action to be taken.
- If the complaint is against a member of staff, the Principal should talk to the staff member against whom the complaint has been made. If necessary, the Principal should interview witnesses and take statements from those involved.
- The Principal should keep reasonable written records of meetings, telephone conversations and other documentation.
- The Principal will investigate fully and communicate findings and/or resolutions to the complainant(s) verbally or in writing depending on the nature of the issue.
- Once all the relevant facts have been established, the Principal should produce a written response to the complainant (Appendix 2). The written response should include a full explanation of the decision and the reasons for it. Where appropriate, it should include what action the Esprit Multi Academy Trust will take to resolve the complaint.
- Stage 2 should be completed in 10 school days. However, it is recognised that where the case is complex, it may prove difficult to meet this timetable. In such cases, the Principal should write to the complainant giving a revised target date.
- If the complainant is not satisfied with the outcome at this stage then the complaint can be moved to the next level (stage 3) for an independent review by the Complaints Governor (Appendix 3a).
- If the concern or complaint is against the Principal, in the first instance the complainant will need to write in confidence to the Chair of Governors at the Esprit Multi Academy Trust. The Chair of Governors will seek to resolve the issue informally before, if necessary, moving to Stage 4. (Appendix 3c)

4.3 Stage 3- Further Consideration by the Complaints Governor

- Complaints at this stage should be made in writing and addressed to the Complaints Governor no later than 5 school days following receipt of a Stage 2 outcome in respect of the Principal's formal stage 2 investigation.
- The Complaints Governor will review the process followed by the Academy
- The aim of the review is to provide an opportunity for the complainant to discuss any concerns regarding the Stage 2 outcome and for the Complaints Governor to seek reconciliation between the Academy and the complainant

- If the complainant is dissatisfied with the outcome or with the manner in which the process has been followed, or considers the decision to be perverse or that the Complaints Governor has acted unreasonably and as such a resolution cannot be sought at this level, then the complainant may wish to escalate the complaint in writing to the next level of the procedure, stage 4 (Appendix 4a).
- Any further rights of appeal will need to be addressed to the Chair of the Complaint Appeals Committee, the details of which will be included in the outcome letter.

4.4 Stage 4 - The Complaint Heard by the Complaint Appeals Committee (CAC)

- Complaints at this stage should be made in writing and addressed to the Chair of the Complaint Appeals Committee (which will be advised to you in the outcome letter at Stage 3) no later than 10 school days following receipt of a Stage 3 outcome. The Chair of the CAC will convene a meeting.
- Written acknowledgement of the complaint will be made within 3 school days informing the complainant that their complaint will be heard within 10 school days (Appendix 4b)
- It is important that the appeal hearing is independent and impartial and that it is seen to be so. The Complaint Appeals Committee must consist of 3 members who have not been involved in the complaint and who have no prior knowledge of the circumstances and with at least one member being independently elected and independent of the management and running of the Academy. In deciding the make-up of the panel, Governors need to try and ensure that it is a cross-section of the categories of Governor in attendance and sensitive to the issues of race, gender and religious affiliation.
- 5 days' notice will be given to all attending. The Clerk/Chair of the meeting should write to the complainant to explain how the review will be conducted and to inform them that they may be accompanied at the meeting if they wish
- The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the Academy and the complainant. However, it has to be recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
- An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parent/Carers often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.
- Extra care needs to be taken when the complainant is a pupil. Careful consideration of the atmosphere and proceedings will ensure that the pupil does not feel intimidated. The panel needs to be aware of the views of the pupil and give them equal consideration to those of adults. Where the pupil's parent/carer is the complainant, it would be helpful to give the parent/carer the opportunity to say which parts of the hearing, if any, the pupil needs to attend.
- Governors sitting on the panel need to be aware of the complaints procedure.

The Complaint Appeals Committee 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 complainant will be informed of the outcome of the meeting by letter within 5 school days. If a resolution cannot be sought and the complainant is not satisfied with the outcome then the complaint can be moved to the next level (stage 5) Appeal to the DfE (Appendix 10).

The Role of the Chair of the Complaints Committee

- Check that the correct procedure has been followed.
- 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.
- Complainants 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 received and seen by all parties prior to the meeting. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

The Role of the Clerk

It is strongly advised that any panel or group of Governors considering complaints is supported by a clerk. The clerk would be the contact point for the complainant and 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 decision.

4.5 Stage 5 Referral to the Multi Academy Trust

Where the academy-based complaints procedures have been completed and the complainant does not feel their complaint has been dealt with to their satisfaction by the academy they may contact the Multi-Academy Trust in writing to request a review of the complaint investigation.

Generally the Multi-Academy Trust will only look into complaint about academies that fall into the following two areas.

a) The academy did not comply with its own complaints procedure when considering a complaint or the academy's complaints procedure does not comply with statutory requirements.

The Multi-Academy Trust cannot review or overturn an academy's decisions about complaints but will look at whether the academy considered the complaint appropriately. The Multi-Academy Trust will generally only do this after a complaint has been through the academy's own procedure but may investigate sooner if there is evidence of undue delays by the academy. If the Multi-Academy Trust finds that an academy did not deal with a complaint appropriately it will request that the complaint is reconsidered. Similarly, if the academy's complaints procedure does not meet statutory requirements then the Multi-Academy Trust will ensure this is put right.

b) The academy has failed to comply with a duty imposed under its funding agreement with the Secretary of State.

The Multi-Academy Trust will seek to resolve any concerns regarding potential or actual breaches of the funding agreement with the academy. The Multi-Academy Trust will also consider evidence that an academy has failed to comply with any other legal obligation placed on it.

Investigations will not usually take place 12 months or more after the decisions or action taken by the academy unless the complainant has good reason for the delay in making the complaint.

The Multi-Academy Trust reserve the right not to investigate complaints considered to be vexatious or malicious or where the Multi-Academy Trust is satisfied with the action that the academy has already taken or proposes to take to resolve the complaint.

Role of the Secretary of State, Department for Education

If the complainant believes that the Trust or Academy has acted or is proposing to act unreasonably in the exercise or performance of its functions imposed by or under the Education Act 1996; or The Academy has failed to discharge any duty imposed by or for the purposes of the Education Act 1996 they may be able to approach the Secretary of State, Department for Education to intervene. The Education Funding Agency's Complaints page to report such a complaint can be found by clicking on the following link:

https://form.education.gov.uk/submitform.php?self=1&form_id=cCCNJ1xSfBE&type=form&ShowMsg=1&form_name=Contact+the+Department+for+Education&noRegister=false&ret=%2Fmodule%2FserDeputys&noLoginPrompt=1



4. Monitoring the Effectiveness of the Policy

The effectiveness of this policy will be reviewed annually and the necessary recommendations for improvement will be made as required.



Appendix 1

Reporting a Formal Complaint to Stage 2

If you have tried unsuccessfully to resolve your concerns (1a and 1b) and wish to take the matter further to formal Stage 2, please complete this form and send it to the Principal within 5 school days of receipt of the outcome letter from stage 1. (If your complaint is against the Principal you will need to send the form to the Chair of the Governing Body).

NAME	CONTACT TEL NUMBER/ email
ADDRESS	CHILD D.O.B
NAME OF CHILD	CLASS
What is your complaint about and what would you like the Principal to do?	
When and with whom did you discuss your concern/complaint with the appropriate member of staff?	
What was the result of the discussion?	
Signed	Dated

Appendix 1a

Example of a written acknowledgement letter of a formal stage 2 complaint from the Principal to the complainant within 3 school days informing the complainant that they will be informed of the outcome of their complaint within 10 school days.

Ref: /

Date

Name/Address

Dear <Name of Complainant>

Thank you for your letter dated <.....> setting out the reasons why you are not satisfied with the Head of Year/Assistant Principal/Deputy Principal's response to your complaint about <.....>

The aim of my investigation will be to resolve the complaint and achieve reconciliation.

In accordance with the Esprit Multi Academy Trust Complaints Procedure I will write to you within a response time of 10 school days. However if it is not possible to meet this target because more investigation is required, I will write to you again with a revised target date.

Yours sincerely

Principal



Appendix 2

Ref: /outcomeformalstage2

Date

Name/Address

Outcome Formal Stage 2 Complaint

Dear **[Name of Complainant]**

I am writing to inform you of my decision regarding your stage 2 formal complaint: **<please give full details of the complaint>**.

I have considered all the relevant facts and evidence presented to me and have decided to uphold/ not uphold the complaint **<please delete as appropriate>**. The reasons surrounding my decision are as follows:

<set out reasons for the decision in sufficient detail to enable the complainant to understand why the decision was

made and how it was arrived at, and if appropriate, it should include what action you will take to resolve the complaint>.

If you are dissatisfied with my decision you can raise the complaint for further consideration by the Complaints Governor of **<name of Academy>**. If you wish to do this, please complete the reporting a formal complaint to stage 3 form, found at Appendix 5 of our Complaints Policy. Please send this to the Complaints Governor, via **<name and address of Academy>** by no later than **[specify the latest date — the 5th school day after receipt of this letter]**. Please be informed if you have not raised the complaint to the next stage by **[repeat latest date]**, you will lose your right to a review.
Yours sincerely

Principal



Appendix 3a
Reporting a Formal Complaint to Stage 3

If you have tried unsuccessfully to resolve your complaint and wish to take the matter further to formal Stage 3, please complete this form and send it to the Complaints Governor at the Academy within 5 school days of receipt of the outcome letter from stage 2.

NAME	CONTACT TEL NUMBER/ e mail
ADDRESS	CHILD D.O.B
NAME OF CHILD	CLASS
What is your complaint about and what would you like the Principal to do?	
When and with whom did you discuss your concern/complaint with the appropriate member of staff?	
What was the result of the discussion?	
Signed	Dated



Appendix 3b

Example of a written acknowledgement letter of a formal stage 3 complaint from the Complaints Governor to the complainant within 3 school days informing the complainant that they will be informed of the outcome of their complaint within 10 school days.

Ref: /

Date

Name/Address

Dear **<Name of Complainant>**

Thank you for your letter dated setting out the reasons why you are not satisfied with the Principal's response to your complaint about

In accordance with the Esprit Multi Academy Trust Complaints Procedure I will review the process and write to you again with the opportunity of meeting with you to discuss your disappointment of the outcome and to seek reconciliation between the Academy and yourself..

Yours sincerely

Chair of Governors



Appendix 3c

Thank you for your letter dated setting out the reasons for your complaint against the Principal of < *name of academy*>

I have forwarded a copy of your complaint to the Principal with a request that she/he responds within ten school days to the issues raised in the complaint

In accordance with the Esprit Multi Academy Trust Complaints Procedure I will make the necessary investigations and write to you again within a response time of 20 school days.

The aim of my investigation will be to resolve the complaint and achieve reconciliation. However if you are not satisfied with my response, the Complaint Appeals Committee may consider your complaint in accordance with Stage 4 of the attached complaints procedure.

The Clerk/Chair of the Complaint Appeals Committee will let you know in writing how the complaint will proceed.

Yours sincerely

Chair of Governors



Appendix 3d

Ref: /outcomeformalstage3

Date

Name/Address

Outcome Formal Stage 3 Complaint

Dear **[Name of Complainant]**

I am writing to inform you of my decision regarding your stage 3 formal complaint for further consideration: **<please give full details of the complaint>**.

I have considered all the relevant facts and evidence presented to me and have decided to uphold/ not uphold the complaint **< please delete as appropriate >**. The reasons surrounding my decision are as follows:

<set out reasons for the decision in sufficient detail to enable the complainant to understand why the decision was made and how it was arrived at, and if appropriate, it should include what action you will take to resolve the complaint>.

If you are dissatisfied with my decision you can raise the complaint to be heard by the Complaint Appeals Committee.

If you wish to do this, please complete the reporting a formal complaint to stage 4 form, found at Appendix 8 of our Complaints Policy and send it for the attention of the Chair of the Complaint Appeals Committee via **< insert name and address of Academy >** by no later than **[specify the latest date — the 10th school day after receipt of this letter]**. Please note, if you have not raised the complaint to the next stage by **[repeat latest date]**, you will lose your right to a review. Yours faithfully

Chair of Governors



Appendix 4a Reporting a Formal Complaint to Stage 4

If you have tried unsuccessfully to resolve your complaint and wish to take the matter further to formal Stage 4, please complete this form and send it to the Chair of Complaint Appeals Committee within 10 school days of receipt of the stage 3 outcome letter.

NAME	CONTACT TEL NUMBER/ email
ADDRESS	CHILD D.O.B
NAME OF CHILD	CLASS
What is your complaint about and what would you like the Principal to do?	
When and with whom did you discuss your concern/complaint with the appropriate member of staff?	
What was the result of the discussion?	
Signed	Dated

Appendix 4b

Example of a written acknowledgement letter of a formal stage 4 letter from the Clerk/Chair of the Complaint Appeals Committee within 3 school days to the complainant upon receipt of a complaint at Stage 4 for consideration by the Complaint Appeals Committee informing that the complaint will be heard within 20 days.

Dear **[Name of Complainant]**

Thank you for your letter dated setting out the reasons why you are not satisfied with the Chair of Governor's response to your complaint about

In accordance with the Esprit Multi Academy Trust Complaints Procedure I will be arranging for a Complaint Appeals Committee (CAC) to consider your complaint within 20 school days.

The Complaint Appeals Committee is independent and impartial and will consist of 3 members who have not been involved in the complaint thus far and who have no prior knowledge of the circumstances, with at least one member being independently elected and independent of the management and running of the Academy. The Esprit Multi Academy Trust will always endeavour to ensure that that there is a cross-section of the categories of Governor in attendance who are sensitive the issues of race, gender and religious affiliation.

I will write to you again shortly with further details of the date, time and venue of the hearing but in the meantime if you have any further queries please do not hesitate to contact me.

Yours sincerely

Clerk/Chair of the Complaint Appeals Committee

Appendix 4c



Ref: *outcomeformalstage4*

Date

Name/Address

Outcome Formal Stage 4 Complaint

Dear **[Name of Complainant]**

I am writing to inform you of the decision of the Complaint Appeals Committee regarding your stage 4 formal complaint: **<please give full details of the complaint>**.

As you are aware the Complaint Appeals Committee was independent and impartial and consisted of 3 members who have not been involved in the complaint previously and who had no prior knowledge of the circumstances, with at least one member independently elected and independent of the management and running of the Academy. The Complaint Appeals Committee 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.

We have considered all the relevant facts and evidence presented to us and have decided to uphold/ not uphold the complaint **<please delete as appropriate>**. The reasons surrounding the decision are as follows:

<set out reasons for the decision in sufficient detail to enable the complainant to understand why the decision was made and how it was arrived at, and if appropriate, it should include what action you will take to resolve the complaint>.

Please be informed that if you are unhappy with the way in which the Esprit Multi Academy Trust has dealt with your complaint, you may be able to approach the Secretary of State, Department for Education to intervene, the contact details for which are published in the Complaints Policy on our website.

Yours sincerely

Chair of the Complaint Appeals Committee



Appendix 4d Checklist for a Panel Hearing

- The panel hearing is as informal as possible.
- It is important that the appeal hearing is independent and impartial and that it is seen to be so. The Panel must consist of 3 members who have not been involved in the complaint and who have no prior knowledge of the circumstances and with at least one member being independently elected and independent of the management and running of the Academy. In deciding the make-up of the panel, we need to try and ensure that it is a cross-section of the categories of Governor in attendance and sensitive to the issues of race, gender and religious affiliation. 5 days' notice will be given to all attending.
- The complainant may be accompanied at the meeting if they wish
- 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 be followed by their witnesses.
- The Principal may question both the complainant and the witnesses after each has spoken.
- The Principal is then invited to explain the Academy's actions and be followed by the Academy's witnesses.
- The complainant may question both the Principal 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 Principal is then invited to sum up the Academy's actions and 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.