



Mighty Oaks Academy Trust

Complaints Policy

Policy Date: September 2022

Review Date: September 2024



INTRODUCTION

The complaints procedure is based on a principle that concerns expressed by a pupil, parent, guardian or any individual or organisation with a concern, should be resolved as quickly as possible without the need to escalate to the increasing and more formal stages of the procedure. However, where resolution is not achieved quickly and the person raising the complaint remains dissatisfied and wishes to take the matter further, the formal procedure will be invoked.

STAGES

STAGE 1: Informal resolution to the concern (usually a meeting).

STAGE 2: Formal complaint heard by a senior member of staff, Head of School, or Executive Principal.

STAGE 3: Formal complaint heard by the Chair or Vice Chair of Directors.

STAGE 4: Complaint referred to the Board of Directors Complaints Appeal Panel (one member of this panel will be independent of the management and running of the Academy).

STAGE 5: Complaint referred to the Education Funding Agency (EFA).

POLICY

Complaints brought by staff must be investigated using the Grievance Procedure and not this Complaints Policy.

Complaints brought by Local Governors, or Directors should be dealt with by the Chair of Directors as an item for consideration at an informal level which if necessary may be escalated through formal procedures as set out in the Articles of Association and not this Complaints Policy.

Complaints from people who are not parents of attending pupils will follow the same procedure used for complaints from parents.

Complaints must be made within one month of the event. Complaints after this period will not be considered. Anonymous complaints will not be considered.

The Academy will retain a written record of all complaints and whether they were resolved at the informal, formal or panel level.

PRINCIPLES

The principles that will be the basis for all investigations will be that the investigation:

- clarifies the nature of the complaint and what remains unresolved
- establish what has happened so far and who has been involved
- clarifies what the complainant feels would put things right
- interviews those involved in the matter and or those complained of
- encourages both parties involved to be accompanied/represented
- conducts the interview with an open mind
- keeps a written record of the interview

The principles applied by staff and Directors in addressing complaints are that implementation will be:

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| - impartial | - fair |
| - timely | - addresses all of the main points raised |
| - objective | - provides an effective response |
| - evidence based | |
| - respect confidentiality | |

It is in everyone's interest that complaints are resolved at the earliest possible stage. At each stage of the procedure the member of staff responsible will consider how the complaint may be resolved. The following may be provided at any stage:

- an explanation or overview
- an apology
- a summary of events
- reassurance of steps that have been taken to prevent a recurrence of the relevant events
- reassurance regarding a review of policy and practice in light of the complaint

There may be occasions when, despite all stages of the procedure being followed, the complainant remains dissatisfied. The Chair or Executive Principal may then inform them that the procedure has been exhausted and that the matter will be closed.

The time limits for each stage will be rigorously applied unless the complaint is of a complex nature, or where further investigations are required to ascertain new facts. At this stage, new time limits may be set by the Chair of Directors.

STAGE 1

The class teacher, the Executive Principal or other members of staff can deal with many enquiries and concerns without the need to resort to a formal procedure. The Academy values informal meetings and operates an 'Open Door' policy.

There is no suggested time scale for resolution at this stage but if either party feels that a resolution is not possible, then it may be prudent to move to the next stage.

If the complaint is about the Executive Principal or a Governor, then the Chair of Directors or Vice Chair will consider the complaint at this informal stage.

STAGE 2

The Executive Principal will identify the appropriate member of staff to handle the complaint at this stage depending on the content of the complaint.

Where the complaint is made to a Local Governor or Director, it should be referred back to the Executive Principal. Governors and Directors should never act unilaterally on an individual complaint outside of the agreed 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.

The member of staff considering the complaint will ensure that acknowledgement will be made within 10 school days of receiving the complaint, as well as providing a broad overview of how the complaint will be pursued. On occasion, it may be even be possible to address the complaint within this time scale. However, all facts regarding the complaint must be established before any written response is made, or any meeting held to discuss the matter directly. If no written response is deemed necessary, then the meeting must be minuted confirming that all parties are in agreement with this.

The Executive Principal must endorse this report at this stage and the complainant informed that should he/she wish to progress to the third stage of the procedure then he/she should send a written response stating this to the Executive Principal within 10 working days of response made. If further communication is not received within this timescale then the matter will be deemed as resolved and closed.

If the complaint is about the Executive Principal, Director or a Governor, then the Chair of Directors or Vice Chair will consider the complaint at this formal stage.

STAGE 3

At this stage the Chair or Vice Chair will hear the complaint but will involve the Executive Principal or other staff as a way of collating the necessary information. The outcome at this stage will however rest firmly with the Chair or Vice Chair.

The Chair or Vice Chair must endorse the report at this stage and the complainant informed that should he/she wish to progress to the fourth stage of the procedure then he/she should send a written response stating this to the Chair or Vice Chair within 10 working days of response made. If further communication is not received within this timescale then the matter will be deemed as resolved and closed.

If the complaint is about the Executive Principal or a Governor, then the Chair or Vice Chair will consider the complaint at this formal stage.

The same timings will apply as previous with a 10 day rule, as well as the same principles regarding response.

The outcome at this stage may be to the effect that:

- there is insufficient evidence to reach a conclusion, so the complaint cannot be upheld
- the evidence did not substantiate the concern, so the complaint cannot be upheld
- the complaint was substantiated in part or full, with a description of remedial action taken as a consequence (details regarding any disciplinary procedure against a third party cannot be released)
- the matter has been fully investigated and further confidential procedures are being pursued

STAGE 4

The complainant will need to write to the Academy Trust Business Manager (Miss J Hart, Priorslee Academy, Priorslee, TF2 9RS, Joanne.Hart@taw.org.uk) outlining all details of the complaint. Acknowledgement will be sent within 10 working days and will inform the complainant of the arrangements for hearing the complaint within 20 working days of receiving it. At this stage the complainant will be advised that they have the right to submit further documents relevant to the complaint but that these must be received at least 5 working days before the date of the hearing to allow adequate time for the documents to be circulated.

Intervention of parallel investigations relevant to the complaint e.g. by the Police or Social Services, may cause variation to these time scales. All parties should be advised of any variation.

Individual complaints will not be heard by the whole Board of Directors at any stage as this could compromise the impartiality of any hearing set up for disciplinary purposes against any member of staff following a serious complaint.

The Complaints Appeal Panel will be made up of between 3 to 5 members, one of which will be independent of the management and running of the Academy. No person involved should have had previous involvement in the complaint. The meeting should be held in private and minuted.

The Chair of the panel will:

- provide welcome and introduction to all individuals involved
- explain the remit to all parties
- ensure that all parties have the opportunity to present their case
- ensure that proceedings are fair and objective and employ the principles of natural justice
- allow time for questions to be raised at any stage
- provide a full and written response detailing key points and providing summary

The findings of the Complaints Appeal Panel remain final. The Trust Business Manager will send a formal written response to the complainant within 10 working days following the hearing.

The outcome at this stage may be to the effect that:

- the complaint is dismissed in whole or in part
- the complaint is upheld in whole or in part
- appropriate action is taken to resolve the complaint
- recommend changes to the Academy's systems or procedures to ensure that issues of a similar nature do not reoccur

STAGE 5

If a complaint has been through all the stages of the Academy's complaints procedure but the complainant remains dissatisfied, they can ask the Education Funding Agency (EFA) to review the handling of the complaint.

Further information about referring the handling of a Complaint to the EFA can be found at:

The complaints about academies page on the Department for Education website

<http://www.education.gov.uk/aboutdfe/complaintsprocedure/a00208461/academies>

Write to: Academies Central Unit (Academy Complaints), Education Funding Agency, Earlsdon Park, 53-55 Butts Road, Coventry, CV13BH