



# The Sutton Academy

## Complaints Policy

Status	<b>Statutory</b>
Responsible Trustees' Committee	<b>Trust Board</b>
Date last approved by TB	<b>13/12/2022</b>
Responsible Person	<b>Mr P Willerton</b>
To Review Date	<b>December 2023</b>
Last Amended Date	<b>December 2022</b>

The Sutton Academy will become part of 'The Challenge Academy Trust' (TCAT) during the latter stages of the 2023/24 academic year. At this point, the TCAT trust-wide policy will be adopted.

For the period between the lapse of this current policy date and the imminent partnership with TCAT, this policy will remain as valid for The Sutton Academy and all stakeholders.

## **Framework of Principles**

Reference should be made to Annex A for legal requirements

### **1.1 Our Complaints Procedure will:**

- encourage resolution of problems by informal means wherever possible;
- be easily accessible and publicised;
- be simple to understand and use;
- be impartial;
- be non-adversarial;
- allow swift handling with established time-limits for action and keeping people informed of the 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 Leadership Team so that services can be improved.

## **2. Dealing with Complaints – Initial concerns**

- 2.1 We need to be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.
- 2.2 The underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally.

## **3. Dealing with Complaints – Formal procedures**

- 3.1 The formal procedures will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.
- 3.2 The Academy will nominate a member of staff to have responsibility for the operation and management of the Academy complaints procedure. They will be termed the Academy's 'Complaints Co-ordinator'.
- 3.3 Any particular complaint will be investigated by the appropriate member of staff (never the subject of the complaint) as designated by the Complaints Co-ordinator.

## **4 Vexatious Complaints**

- 4.1 If properly followed, our good complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite

all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Chair of The Sutton Academy Trust Board is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

## **5 The Stages of Complaints**

5.1 There will be three stages:-

- Stage one: complaint heard by staff member
- Stage two: complaint heard by Principal;
- Stage three: complaint heard by Trust Board's complaints appeal panel;

5.2 The aim would be to resolve complaints at stage one. Complaints can be moved to the next stage on the advice of the Complaints Co-ordinator or if an unsatisfied complainant wishes to take a complaint to the next stage.

5.3 The procedure will specify how a complaint will be dealt with if it concerns the conduct of the Principal or a Trustee or where the Principal or a Trustee has been involved in the issue previously.

## **6 Recording Complaints**

6.1 We will record the progress of the complaint and the final outcome. A complaint may be made in person, by telephone, or in writing. At the end of a meeting or telephone call, it would be helpful if the member of staff ensured that the complainant and the Academy have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls will be kept and a copy of any written response added to the record.

6.2 The Complaints Co-ordinator will be responsible for the records and hold them centrally.

6.3 A written record will be kept of all complaints made and the action taken (regardless of whether they are upheld) in accordance with sub-paragraph (e) along with details of whether they were resolved following a formal procedure, or progression to a panel hearing. All correspondence, statements and records of complaint 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.

## **7 Trust Board Review**

7.1 The Trust Board will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. Complaints information shared with the whole Trust Board will not name individuals.

## **8 Publicising the Procedure**

- 8.1 There is a legal requirement for the Complaints Procedure to be publicised. Information on the Complaints Procedure will be included on the academy website.

## **Complaints Procedure**

## **9 Investigating Complaints**

See Annex B for further guidance

- 9.1 The person investigating the complaint will make sure that they:
- ask the complainant to complete a complaint form
  - establish what has happened so far, and who has been involved;
  - clarify the nature of the complaint and what remains unresolved;
  - meet with the complainant or contact them (if unsure or further information is necessary);
  - clarify what the complainant feels would put things right;
  - interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
  - conduct the interview with an open mind and be prepared to persist in the questioning;
  - keep notes of the interview.

## **10 Time-Limits**

- 10.1 Complaints will be considered, and resolved, as quickly and efficiently as possible. We will set realistic time limits for each action within each stage. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

## **11 Resolving Complaints**

- 11.1 At each stage in the procedure we will want to keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part.
- 11.2 It would be useful if complainants were encouraged to state what actions they feel might resolve the problem at any stage.
- 11.3 An admission that the Academy could have handled the situation better is not the same as an admission of negligence.
- 11.4 In addition, it may be appropriate to offer one or more of the following:
- an apology;

- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review Academy policies in light of the complaint.
- an outline as to why it is felt the complaint is unjustified.

## COMPLAINTS PROCEDURE

### Legal requirement

Section 157 of the Education Act 2002 requires, in terms of independent school standards, that:

*“Regulations shall prescribe standards about the manner in which independent schools handle complaints”.*

2014 Schedule 1 Part 7. require that:

*A school shall provide to parents of students and prospective students and on request to others, including the Chief Inspector and the Secretary of State, details of the complaints procedure set out in accordance with paragraph 7, and the number of complaints registered under the formal procedure during the preceding school year.*

### Stages of the Complaints Procedure

### Annex B Guidance notes

#### Stage One: Complaint Heard by Staff Member

It is in everyone’s interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the Academy can be crucial in determining whether the complaint will escalate. To that end, if staff are made aware of the procedure, they know what to do when they receive a complaint.

It would assist the procedure if the Academy respected the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the Complaints Co-ordinator can refer the complainant to another staff member. Where the complaint concerns the Principal, the Complaints Co-ordinator should refer the complainant to The Sutton Academy Chair Of Trustees.

Similarly, a member of staff asked to investigate a complaint, can ask the Complaints Co-ordinator to consider referring the complainant to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial.

Where the first approach is made to a Trustee, the next step would be to refer the complainant to the Complaints Co-ordinator or Principal. Trustees 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.

All complaints should be made in writing clearly detailing the nature of the complaint.

Time Response – response to initial complaint made within five working days.

### **Stage Two: Complaint Heard by Principal**

The Principal's influence will already have shaped the way complaints are handled in the Academy. At this point, the complainant may be dissatisfied with the way the complaint was handled at stage one as well as pursuing their initial complaint. The Principal may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

Time Response – The complaint will be investigated and the complainant notified of the outcome within fourteen working days.

### **Stage Three: Complaint Heard by Trust Board Complaints Appeal Panel**

If still dissatisfied the complainant needs to write to the Chair of Trustees giving details of the complaint. The Chair, or a nominated Trustee, will convene a Trust Board Complaints Panel, none of whose members will have been involved in previous consideration of the complaint. The panel must consist of two Trustees and one member who is independent of the management and running of the academy. This Panel Meeting will be convened as soon as possible but at the latest, within 4 school weeks of receiving the complaint. The complainant may be accompanied to the Panel Hearing if they so wish.

The Chair of the Panel must ensure that the complainant is notified of the panel's decision in writing, as soon as possible but at the latest within four weeks. The letter must also explain any further rights of appeal and to whom they should be addressed.

A copy of the results and findings will be provided to the complainant and, where relevant, the person complained about. The findings and recommendations of the panel will be available for inspection on the school premises by the Principal.

All correspondence, statements and records of complaints are kept confidential.

The Trustees' appeal hearing is the last Academy-based stage of the complaints process, and is not convened to merely rubber-stamp previous decisions.

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

### **The Remit of The Complaints Appeal Panel**

### **Annex C**

The panel 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.

There are several points which any trustee sitting on a complaints panel needs to remember:

- a. It is important that the appeal hearing is independent and impartial and that it is seen to be so. No trustee may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, trustees/Trustees need to try and ensure that it is a cross-section of the categories of trustee and sensitive to the issues of race, gender and religious affiliation.
- b. 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.
- c. An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child, and may choose to be accompanied. 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.
- d. Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.
- e. The Trustees sitting on the panel need to be aware of the complaints procedure.
- f. All Parties will be given a copy of the findings and recommendation of the Complaints Appeal Panel
- g. Correspondence, statements and records of complaints are all to be kept confidential.

## **Roles and Responsibilities**

### **The Role of the Chair of the Panel**

The Chair of the Panel has a key role, ensuring that:

- 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;
- parents and others who 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 seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

### **Notification of the Panel's Decision**

The Chair of the Panel needs to ensure that the complainant is notified of the panel's decision, in writing, within four weeks. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.