

Ethos Academy Trust

# Complaints Procedure Policy

## October 2021

1	Summary	Complaints procedure		
2	Responsible person	CEO		
3	Accountable ELT member	Lesley Conway - HR Manager		
4	Applies to	<input checked="" type="checkbox"/> All Staff <input type="checkbox"/> Support Staff <input type="checkbox"/> Teaching Staff		
5	Trustees and/or individuals who have overseen development of this policy	Lesley Conway, Jayne Foster		
6	Headteachers/Service Heads who were consulted and have given approval (if applicable)	N/A		
8	Ratifying committee(s) and date of final approval	Trust Board		
9	Version number			
10	Available on	Every	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Trust Website <input checked="" type="checkbox"/> Y <input type="checkbox"/> N Academy Website <input type="checkbox"/> Y <input checked="" type="checkbox"/> N Staff Portal <input type="checkbox"/> Y <input checked="" type="checkbox"/> N
11	Related documents (if applicable)			
12	Disseminated to	<input type="checkbox"/> Trustees <input checked="" type="checkbox"/> All Staff <input type="checkbox"/> Support Staff <input type="checkbox"/> Teaching Staff		
13	Date of implementation (when shared)	01.11.21		
14	Date of next formal review	October 2024		
15	Consulted with Recognised Trade Unions	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N		

Date	Version	Action	Summary of changes
October 2021	1.3	Policy revision	Review original documentation, update appendices.

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## 1.0 Availability of the Complaints Policy and Procedure

- 1.1 This policy and procedure is available on request to pupils, the parents/carers of students and prospective students of Ethos Academy Trust. While pupils may, themselves, raise concerns and complaints under this policy and procedure, Ethos Academy Trust will involve parents/carers should this occur. Copies are available from:

Ethos Academy Trust, Reach Academy, Field Hill Centre, Batley Field Hill, West Yorkshire. WF17 0BQ

- 1.2 A copy of our complaints procedure is also available from Ethos Academy Trust's main office located at reception and on the website [www.eat.uk.com](http://www.eat.uk.com).

## 2.0 Complaints Policy and Procedure

- 2.1 This policy and procedure is for the benefit of pupils, and parents/carers of students of Ethos Academy Trust. This policy and procedure will be relied upon in respect of all complaints by parents/carers and students made against the academy except in respect of:

- (a) **child protection allegations** where a separate policy and procedure applies; and
- (b) **exclusions** where a separate policy and procedure applies;
- (c) **appeals relating to internal assessment decisions for external qualifications** where a separate appeals procedure applies.

- 2.2 Ethos Academy Trust expects that most concerns can be resolved informally and will use their best endeavours to resolve any complaints that are made informally, or any concerns that are raised, on that basis.
- 2.3 If informal procedures fail to resolve the issue, a formal complaint about any matter not involving child protection allegations, internal assessment decisions or a decision to exclude a student, must be given verbally or in writing to the Head Teacher / CEO and will be dealt with under this Complaints Policy and Procedure.
- 2.4 Every complaint shall receive fair and proper consideration and a timely response.
- 2.5 We will do all we can to resolve your concern and to ensure you are happy with the education and support that your child receives at Ethos Academy Trust.
- 2.6 Parents/carers can be assured that all complaints and expressions of concern, whether raised informally or formally, will be treated seriously and confidentially.

2.7 Correspondence, statements and records will remain confidential except in so far as is required by paragraph 6(2)(j) of the Education (Independent Schools Standards) Regulations 2003; where disclosure is required in the course of the school's inspection; or where any other legal obligation prevails.

### **3.0 Complaints Procedure**

3.1 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 senior management team so that services can be improved.

3.2 Ethos Academy Trust will be clear about the difference between a concern and a complaint. We will take concerns seriously at the earliest stage to reduce the numbers that develop into complaints.

3.3 Any complaints made directly to staff at the academy, or to Ethos Academy Trust, will be logged and monitored by the Board of Trustees on a termly basis.

### **4.0 Stage One – Informal Resolution**

4.1 Most concerns will be dealt with informally and parents/carers are encouraged to contact the person concerned. The formal procedures set out below 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. The underlying principle is that most complaints and concerns will be resolved quickly and informally. If parents/carers have a complaint they should normally contact the member of staff concerned or a teacher/IW or equivalent. In many cases, the matter will be resolved straightaway by this means to the parents'/carers' satisfaction. If the teacher/IW or equivalent cannot resolve the matter alone, it may be necessary for him/her to consult the Head Teacher / CEO of the academy.

- Parents/carers may also choose to speak to the Deputy Head Teacher / CEO, or to the Head Teacher / CEO.
- Complaints made directly to the Deputy Head Teacher or to the Head Teacher / CEO will usually be referred to the relevant member of staff, unless the Deputy Head Teacher or the Head Teacher / CEO deems it appropriate for him/her to deal with the matter personally.
- Most complaints are resolved satisfactorily at this stage and are brought to a close. In the case of serious complaints or where a complaint has not been brought to a satisfactory conclusion or if a complaint concerns a member of staff, the complaint moves on to Stage Two.

## **5.0 Stage Two - Formal Resolution**

- If the complaint cannot be resolved on an informal basis then parents/carers should put their complaint in writing to the Head Teacher / CEO. Parents/carers should also identify how they wish their complaint to be resolved.
- The Head Teacher / CEO will delegate responsibility for undertaking investigation of the complaint to the Deputy Head Teacher / Head Teacher, unless he/she deems it appropriate for him/her to deal with the matter personally.
- The Head Teacher / CEO will decide, after considering the complaint, the appropriate course of action to take.
- In most cases, the Head Teacher / CEO will meet or speak with the parents/carers concerned to discuss the matter. If possible, a resolution will be reached at this stage.
- The Head Teacher / CEO will use reasonable endeavours to speak to or meet parents/carers within ten (10) working days of the formal complaint being received, except where the complaint is received in academy holidays or within two (2) working days of their commencement where the Head Teacher / CEO will use his/her reasonable endeavours to speak to or meet with parents/carers as soon as possible after the commencement of the new term (usually within ten (10) working days).
- It may be necessary for the Deputy Head Teacher / Head Teacher / CEO to carry out further investigations.
- The Head Teacher / CEO will keep a written record of all meetings and interviews held in relation to the complaint.
- Once the Head Teacher / CEO is satisfied that, so far as is practicable, all of the relevant facts have been established, a decision will be made. Parents/carers will be informed of this decision in writing, giving reasons for the decision. The written decision should be provided no later than ten (10) working days after speaking or meeting with parents/carers to discuss the matter (pursuant to paragraph 10 above). The Head Teacher / CEO may also arrange to meet with parents/carers to explain the

decision.

- The academy will keep a written record of all formal complaints, including records of meetings and interviews held in relation to the complaint, and the academy's decision, for one (1) year after the student leaves the academy. This record will state if complaints were resolved at the preliminary hearing or if they were taken to appeal.
- Where parents/carers are dissatisfied with the outcome of the academy's response to their formal complaint, the parents/carers have the opportunity to have their complaint considered by an independent Complaints Panel.

## **6.0 Stage Three – Panel Hearing**

6.1 If parents/carers seek to invoke Stage Three following failure to reach an earlier resolution and where dissatisfied with the Head Teacher/CEO's decision in respect of their formal complaint, the parents/carers may, in writing addressed to the Clerk, FAO Jo-Anna Barr, EduClerks Ltd, 138 The Oval, Leeds, LS14 6BB, request that their complaint be further considered by an independent Complaints Panel set up for this purpose.

- This request for further assessment of the complaint will, for the purposes of this procedure, be known as an 'appeal'.
- Parents/carers must lodge their appeal in writing within ten (10) working days of the date of the Ethos Academy Trust's decision made in accordance with the Stage Two Procedure. The parents/carers should provide a list of their complaint(s) made against Ethos Academy Trust and which they believe to have been resolved unsatisfactorily by the Stage Two Procedure, along with the remedies sought in respect of each.
- The Complaints Panel is only obliged to consider the complaint(s) lodged in this 'initial submission' although they may use their discretion to consider other relevant and related matters that may subsequently arise.
- Where an appeal is received by Ethos Academy Trust, the academy will, within five (5) working days, refer the matter to the Clerk to Ethos Academy Trust Board who will act as Clerk to the Complaints Panel. Where the appeal is received by Ethos Academy Trust during academy holidays, or within two (2) working days of their commencement, the academy has five (5) working days upon commencement of the school term to refer the matter to the Clerk.
- The Clerk provides an independent source of advice on procedure for all parties.
- On receipt of an appeal the Clerk will acknowledge the appeal in writing within five (5) working days, and inform the parents/carers of the steps involved in this Complaints Procedure.
- The Clerk will then endeavour to convene an independent Complaints Panel hearing as soon as possible to consider the matter, normally no

later than twenty (20) school days after receipt by the academy of parents'/carers' written notice that they wish to invoke the Stage Three Procedure, dependent upon the availability of the Panel members.

- The independent Complaints Panel will consist of two Trustees who have not previously been involved in the complaint, and one person independent of the management and running of Ethos Academy Trust. The process used for selecting an independent person will conform to relevant guidance issued by the Department for Education (DfE).
- The following are entitled to attend a hearing, submit written representations and address the Panel:
- The parent(s)/carer(s) (or, if aged over 18, the young person) and/or one representative;
- The Head Teacher / CEO of the academy and/or one representative; and
- Any other interested person whom the Complaints Panel considers to have a reasonable and just interest in the appeal and whose contribution would assist the Panel in their decision-making.

Legal representation will not normally be appropriate.

Where the Complaints Panel deems it necessary, it may request that further particulars of the complaint, or any related matter, be supplied in advance of the hearing. In such cases all parties will be given the opportunity to submit written evidence to the Panel in support of their position, including:

- documents in support of the complaint(s),
- chronology and key dates relating to the complaint(s), and
- written submission setting out the complaint(s) in more detail.

This evidence will be considered by the Panel, along with the initial submission that was lodged by the parents/carers.

- Evidence will be initially sent to the Clerk, who will then circulate the documentation to all parties, including the Panel members, along with an order of proceedings. All written evidence must be received by the Clerk no later than ten (10) working days in advance of the hearing. The Clerk will distribute the written evidence to the relevant parties no later than five (5) working days in advance of the Panel hearing.
- It is for the Panel to decide how to conduct the proceedings of the appeal, which should be reasonably informal so that all parties can present their case effectively. If possible, the Panel will resolve the parents'/carers' complaint immediately without the need for further investigation. Where further investigation is required, the Panel will decide how it should be carried out.
- After due consideration of all the facts considered relevant, the Panel will reach a decision, and may make recommendations, which it shall

complete within ten (10) working days of the hearing. The decision reached by the Complaints Panel is final. Any decision reached that may have financial implications for the academy will need the appropriate approval from the relevant authorities e.g. Ethos Academy Trust Board, although any such approval must be compatible with the decision of the Complaints Panel.

- The Panel's findings will be sent by the Clerk in writing to the parents/carers, the Head Teacher / CEO, the Board of Trustees, Ethos Academy Trust and, where relevant, the person complained of. The letter will state any reasons for the decision reached and recommendations made by the Complaints Panel.
- The academy will keep a record of all appeals, decisions and recommendations of the Complaints Panel, for one (1) year after the student leaves the academy.

## **7.0 Complaints Against the Head Teacher / CEO**

### **7.1 Informal**

An employee (what would happen if a parent/carer had a complaint against a Head Teacher or the CEO?) who wishes to make an informal complaint against the Head Teacher / CEO with a view to resolving an issue may use any of the following approaches:

- Approach a Deputy Head Teacher / CEO or another member of the leadership team.
- Contacting the trade union representative who may contact the Head Teacher / CEO's trade union representative or the Head Teacher / CEO directly.
- Approaching the Board of Trustees - The Chair of Trustees may delegate the matter to a member of the Trust with the particular skills to enable him or her to aid in this type of problem. Whoever undertakes this role cannot subsequently be a member of the Discipline and Complaints Committee or the Appeals Committee dealing with the matter.

7.2 Where the situation cannot be resolved through mutual discussion, consideration should be given to the use of mediation.

7.3 It must be noted that this is the INFORMAL part of the process and that any person the employee chooses to contact to assist in resolving the problem must deal with the matter on a confidential basis.

### **7.4 Formal**

The employee may contact the Chair of the Board of Trustees to raise a complaint against the Head Teacher / CEO. The complainant must put the details in writing, outlining their specific complaint to the Chair of Trustees/Clerk to the Trustees. The same steps outlined within the Complaints Procedure will apply.

7.5 Only an external investigating officer or one or more Trustees may carry out an investigation into complaints against the Head Teacher / CEO.

## **8.0 Complaints made by the Head Teacher / CEO**

8.1 A Head Teacher / CEO may raise a complaint against a member of staff on the grounds of bullying, harassment or discrimination. A Head Teacher / CEO may raise a complaint against the Trust Board but not against an individual member unless s/he is exercising a delegated power or function or one conferred by law.

## **9.0 Monitoring, Evaluation and Review**

9.1 Ethos Academy Trust Board will review this policy at least every three years and assess its implementation and effectiveness. The policy will be promoted and implemented throughout the academy.

## Annex A – Ethos Academy Trust Complaint Form

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Nurturing inclusive learning communities

<b>Name of academy attending:</b>	
<b>Your name:</b>	
<b>Young Person's name:</b>	
<b>Your relationship to the Young Person:</b>	
<b>Address:</b>	
<b>Contact telephone number:</b>	

<b>Please give details of your complaint below:</b>
<b>What action, if any, have you already taken to try to resolve your complaint? Please give details of who you have spoken to and their response.</b>
<b>What actions do you feel might resolve the problem at this stage?</b>
<b>Please give details of any paperwork attached to this complaint.</b>
<b>Signature:</b>
<b>Date:</b>

### Official use only

Date acknowledgement sent:

By who:

Complaint referred to:

Date:

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## Annex B Academy Complaints Flowchart

### Summary of Dealing with Complaints

**Complaint received by staff member.**  
To be resolved within 10 working days



**Issue resolved.** No further action required  
**Issue not resolved.** Report in writing to Director/Principal.  
Complaint received by Principal/Director. Acknowledge receipt of complaint and hold meeting (if necessary) within 10 working days. Letter with decision sent within 10 working days



**Issue Resolved.** No further action required  
**Issue not resolved.** Appeal lodged within 10 working days of receipt of decision.



**Complaint appeal received.**  
Clerk issues letter to parent in 5 working days. Appeal meeting convened within 20 working days of receipt. Evidence distributed to all 5 working days before meeting.



**Complaint heard by Complaints Panel.**  
Decision made within 10 working days of hearing. Letter sent to all parties confirming panel decision.

