



Southend East Community Academy Trust

“Strong Partnerships, Strong Community, Strong Schools

COMPLAINTS POLICY **and** **PROCEDURES**

September 2016

Status : Statutory

Next revision due : September 2018

Reviewed and recommended
by : Trustees

Signed by Chair :



1. POLICY

Southend East Community Academy Trust seeks to provide a structured opportunity to express and resolve concerns and thus to improve the provision for students across Southend East Community Academy Trust. Further it aims to ensure that any concern expressed is resolved quickly and at the earliest possible stage through a clear set of procedures.

2. CONTEXT

This policy complies with Schedule 1, Part 7 of the Education (Independent School Standards) (England) Regulations 2014, to ensure that Southend East Community Academy Trust (SECAT) has in place a procedure to deal with complaints relating to the Academy members of the trust and to any community facilities or services that they provide. The law also requires the procedure to be publicised. This policy complies with Schedule 1, Part 7 of the Education (Independent School Standards) (England) Regulations 2014.

3. PROCEDURE

The procedure has three stages, which must begin with the informal stage:

- **Informal:** most concerns are easily resolved informally by discussion with staff at the relevant Academy or with the CEO or Chair of Trustees if the concern is raised about MAT management; more difficult or complex concerns may take more than one discussion.
- **Formal complaint to the Headteacher of the member Academy or local governing body:** if you are unable to resolve the complaint you should write to the Headteacher of the appropriate Academy detailing your complaint. If you are unable to resolve this, you can make a formal complaint to the local governing body (LGB) of that Academy.
- **Formal complaint to the CEO of SECAT:** After careful attempts have been made to resolve the matter informally or formally with the relevant Headteacher or LGB a complaint can be made in writing to the CEO of SECAT. If you are still unable to resolve the issue you can make a formal complaint to the Chair of SECAT trustees.

Informal Stage

- 3.1 Each SECAT Academy is happy to receive suggestions and compliments and talk about concerns, which help identify areas of success, and areas in which they could improve. Where a concern is brought to the member Academy's attention it can almost always be resolved by personal contact with teaching or associate staff. Sometimes an issue is more complex and will take more than one discussion to resolve or involve senior staff, or in some cases the CEO of SECAT.
- 3.2 If the member of staff directly involved feels too compromised to deal with a complaint, the manager/associate may 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.
- 3.3 Where the complaint concerns the Head teacher, the complaint can be referred to the chair of governors. Where the complaint concerns the CEO, the complaint can be referred to the chair of trustees.
- 3.4 Where the first approach is made to a governor or member of the trustee board, the next step would be to refer the complainant to the appropriate person and advise them about the procedure. Governors/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.
- 3.5 Where the complaint is against a member of staff in any of the SECAT Academies, it will be dealt with under the relevant Academy's internal confidential procedures, as required by law

4. FORMAL COMPLAINT TO THE HEADTEACHER

- 4.1 Occasionally despite the best efforts of all parties these discussions do not resolve the concern, which then may become a complaint against either the individual Academy or an individual. A formal complaint should be made to the relevant Headteacher in writing. The Headteacher of the Academy involved will acknowledge the letter within 5 school days giving a brief explanation of SECATs complaints procedure and a target date for providing a response. It is intended that a full response to the complaint should be sent within 15 school days. If this proves impossible the relevant Headteacher will write again explaining the reason for the delay and giving a revised target date.

4.2 The relevant Headteacher/deputy Headteacher will ensure a thorough investigation of the complaint and will provide the complainant with the opportunity to meet to supplement any information provided previously. If they wish they may be accompanied by a friend, relative or other representative. As part of the investigation witnesses will be interviewed and statements taken from those involved. At the end of the investigation the relevant Headteacher/deputy Headteacher will write with a full response and if it is considered helpful may arrange to meet to discuss the matter directly. The response to the complaint will include:

- Details of what action the relevant SECAT Academy will take to resolve the complaint;
- Confirmation that if they are still not satisfied and wish to take it further to write to the Chair of the local governing body of the relevant Academy within 20 school days of receiving the letter.

If the complaint is against a member of staff, it will be dealt with under the relevant Academy's internal confidential procedures, as required by law.

5. FORMAL COMPLAINT TO THE CEO of SECAT:

This would be made **only** if the complainant has

- Sought to resolve the concern through an informal approach to the relevant Academy
- Allowed time for the relevant Headteacher to have investigated the concern
- Accepted any reasonable offer by the member Academy to discuss the result of that investigation
- Put the complaint clearly in writing as provided in 4.1, within a reasonable time of the event/issue occurring and normally within 3 months.

5.1 The complainant should write to the CEO at Shoeburyness High School requesting intervention with regards to the particular SECAT Academy. Enclosed with the letter should be a copy of the written complaint submitted at the informal stage, indicating which matters remain unresolved. No new complaints may be included.

- 5.2 The CEO will consider the issue and discuss all action taken to date with the relevant school.
- 5.3 SECAT has a complaints committee whose responsibility it is to hear and decide about formal complaints, which have not been resolved either at the earlier stage or following an investigation by the relevant Headteacher or CEO. Therefore, if the matter cannot be resolved the matter will be forwarded to the Chair of SECAT trustees who will confirm meeting arrangements with SECAT complaints committee. The clerk to the Chair is responsible for making all arrangements for the meeting, including time and place. The meeting will be arranged as soon as possible for a date within 15 school days of receipt of the complainant's request for a formal meeting.
- 5.4 Any documents from either the complainant or the relevant Headteacher to be considered by the committee, and the names of any witnesses who might be called must be received by the clerk at least 5 school days before the meeting. Copies of all papers submitted plus the agenda will be sent to the complaints committee members, complainant, CEO and chair of SECAT trustees at least 3 school days before the meeting date.
- 5.5 The complainant may bring a friend, interpreter or advocate to the meeting. If they intend to be legally represented, they will need to advise the clerk to the governors at least 5 school days prior to the meeting as the governors may wish to be similarly represented
- 5.6 If teachers or other SECAT Academy's staff are asked by the CEO to be present at a complaints committee meeting, they have a right to bring a friend or professional representative.
- 5.7 It is not appropriate for a child/pupil to attend.
- 5.8 The committee will consist of three people who have not previously had any formal involvement with the complaint and will include at least one person who is independent of the management and running of SECAT.
- 5.9 They will consider the complaint on the basis of the papers

they receive and what is said at the meeting.

- 5.10 A clerk will record details of the hearing and the decision reached.
- 5.11 The complainant will be given the opportunity to explain the complaint and the relevant Headteacher or CEO to explain the Academy's response.
- 5.12 If either the complainant or the Academy representatives wish to introduce previously undisclosed evidence or witnesses it is in the interests of natural justice for the chair to adjourn the meeting so that the other side has time to consider and respond to new evidence.
- 5.13 In the event of either party not attending the meeting, the chair has discretion to proceed or to adjourn at any stage.
- 5.14 The complaints committee chair controls the meeting and will aim to complete all the business at a reasonable hour without the need to adjourn to another day. It is important that all participants help by being clear about the points they wish to make, by keeping to the point, and by being courteous throughout.
- 5.15 The committee can
- Uphold the complaint in full
 - Uphold it in part
 - Dismiss it
 - Declare it resolved

In complex cases they may wish to give a complex response. The clerk will send the complainant, CEO, relevant Headteacher and chair of trustees a letter with the outcome of the meeting within 5 school days of the meeting.

- 5.16 If the complainant is still dissatisfied after the completion of the formal appeals stage involving the complaints committee, or feels the complaint has not been dealt with properly, they may contact the DfE. You can write to the Department for Education at Castle View House, East Lane, Runcorn, Cheshire, WA7 2GJ or

Appendix 1:

Checklist for a Panel Hearing

The panel needs to take the following points into account:

- The hearing is as informal as possible.
- 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 CEO may question both the complainant and the witnesses after each has spoken.
- The relevant Headteacher is then invited to explain the Academy's actions and be followed by the Academy's witnesses.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint,
- The CEO is then invited to sum up SECATs 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.