

## Complaints Policy

Policy Code:	HR36
Policy Start Date:	September 2020
Policy Review Date:	September 2023

Please read this policy in conjunction with the policies listed below:

- Priory Code of Conduct
- SW9 Parental Communication and Complaints Policy

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## **1. Policy Statement**

- 1.1 All Academies within the Trust will have interactions with members of the public who do not have a direct connection with any of the Academies. It is hoped that any individuals who have concerns or have any issue with any of the Academies will be able to reach a satisfactory outcome. This policy also outlines procedures for anyone who wishes to complain about any work undertaken through the Lincolnshire Teaching School Alliance (LTSA), where it differs from usual procedure.
- 1.2 References to the Trust or Academy within this policy specifically include all primary, secondary and special academies within the Trust, as well as the Early Years setting at the Priory Witham Academy, Priory Training, Priory Apprenticeships, Lincolnshire Teaching School Alliance and Lincolnshire Teaching School Alliance SCITT.
- 1.3 This policy does not form part of any member of staff's contract of employment and it may be amended at any time.
- 1.4 The Trust is committed to leading a mentally healthy organisation, which includes a commitment to and promotion of emotional wellbeing and mental health. Therefore, all Trust policies and procedures ensure this commitment is incorporated in order to support all staff and students. Members of staff are encouraged to speak to their line managers, and students are encouraged to speak to any member of staff, if they feel any part of this policy would affect their emotional wellbeing and mental health. Any such comments should be passed to the Trust's HR department (via [FederationHR@prioryacademies.co.uk](mailto:FederationHR@prioryacademies.co.uk)) for appropriate consideration at the next available point in the policy review cycle.

## **2. Roles, Responsibilities and Implementation**

- 2.1. The Pay, Performance and HR Committee has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. This committee delegates day-to-day responsibility for operating the policy and ensuring its maintenance and review to the Human Resources Director and the Director of Teaching and Learning.
- 2.2. Leaders and managers have a specific responsibility to ensure the fair application of this policy and all staff are responsible for supporting colleagues and ensuring its success.

### **3. Aims**

- 3.1 This policy aims to provide a process to resolve individual complaints in a manner which is as fair and expeditious as possible. It is the Trust's objective to find a solution to individual complaints as early in the procedure as possible.

### **4. Use of this Policy**

- 4.1 This policy is intended to be used by any individual or organisation which wishes to make a complaint about the Trust, LTSA or one of the individual Academies within the Trust. This policy is not intended to be used in complaints relating to:
- Parental complaints – please refer to our parental complaints policy;
  - Complaints from members of staff, governors or trustees – please refer to our relevant policy;
  - Admissions;
  - Complaints about services from service providers who may use Academy premises or facilities;
  - Exclusions;
  - Academy re-organisation proposals;
  - Statutory assessments of Special Educational Needs;
  - Matters likely to require a Child Protection Investigation;
  - Whistleblowing;
  - Complaints from LTSA SCITT trainees – please refer to LTSA SCITT Primary or Secondary Handbook.

### **5. Stage One (Informal Process)**

- 5.1. Individuals or organisations should feel free to raise their concerns regarding the Academies or the Trust with an appropriate member of staff at the Trust. This can be done in person, by telephone or in writing, including email. If the complainant is unsure of who to contact, they should contact the general telephone number or email address of that Academy. If the complainant would like to raise concerns to LTSA, they should contact the team at the Keyworth Centre on The Priory City of Lincoln Academy site. If a complaint is raised directly with the Head of an Academy or the Director of the Teaching School, it is likely that this will be forwarded on to an appropriate member of staff to address the complaint.
- 5.2. If a complainant's complaint relates to any principals of an Academy within the Trust or the Director of the Teaching School, then this complaint should be directed to the Trust rather than the Academy to which it relates. If it relates to

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the Chief Executive Officer of the Trust, then the complaint should be directed to the Clerk to the Trust Board.

- 5.3. In order to best deal with any complaints, they should be raised within three months of the issue to which they relate. The Trust will still consider complaints made out of this timeframe, but a resolution may be more difficult to achieve.
- 5.4. The Academy, Trust or LTSA will attempt to deal with any complaint as quickly as possible. The Trust will acknowledge a complaint, in writing, within 48 hours and will respond to your complaint within five working days. If it is not possible to meet these deadlines, the complainant will be informed when they will receive a response.
- 5.5. Depending on the nature of the complaint, the Academy, the Trust or LTSA may arrange a meeting between a representative of the Academy, the Trust or LTSA and the complainant.
- 5.6. If a complainant remains unsatisfied with the resolution offered, or the Trust considers that a more in-depth investigation is required, the Trust will move on to stage two of this procedure.

## **6. Stage Two (Formal Process)**

- 6.1. If a complainant is dissatisfied with the resolution offered at stage one of this process or the Trust believes a more in-depth investigation of the issues is required, the complainant will be asked to set out in writing:
  - The nature of their complaint and any issues which remain unresolved following the stage one process;
  - What actions they would require to resolve their complaint.
- 6.2. The complaint will be acknowledged within five working days of its receipt and the response will identify an investigating officer who the Trust has appointed to deal with the complaint. The investigating officer will be a member of staff who has had no prior involvement with the complaint.
- 6.3. If the complaint is made to LTSA, there may be a request for someone from another school to investigate the complaint. This decision would be discussed and decided between the Chief Executive Officer, Director of LTSA and the Human Resources Director. The investigating officer, in all cases, will have had no prior involvement with the complaint.
- 6.4. The investigating officer will investigate the complaint and will, if appropriate, interview and take statements from any relevant witnesses. The complainant will be given the opportunity to meet with the investigating officer to put forward

their case. At this meeting the complainant may be accompanied by a family member or a friend.

- 6.5. The investigating officer will provide a written response to the complainant, setting out an outcome to the complaint. The response will be made within 30 working days of the complaint being received. If the investigating officer is unable to provide a response within this time, they will inform the complainant when they will receive a response.
- 6.6. If a complainant is dissatisfied with the response and outcome, they should write to the investigating officer within 10 working days of receiving the outcome of their complaint and ask to move to stage three of this Complaints Process.

## **7. Stage Three (Panel Hearing)**

- 7.1. If the complainant has requested that the complaint be moved on to stage three, the Trust will write to the complainant to provide a date on which a panel will meet to assess the complainant's complaint. This date will be within 30 working days of receipt of the complainant's request to move on to stage three.
- 7.2. The panel will comprise three individuals. Two of the panel members will be governors who have had no previous knowledge or involvement in the case. A further individual, who is independent from the running and the management of the Trust or any of the Academies, will also be appointed.
- 7.3. The complainant will be invited to attend the panel hearing and may be accompanied by a family member or a friend.
- 7.4. At least five working days before the date of the panel hearing, the Trust will provide copies of any relevant correspondence, reports or investigations taken into account by the investigating officer in coming to their decision at stage two.
- 7.5. The complainant will be given the opportunity to put forward their case regarding their complaint at this panel hearing. The hearing will be minuted and minutes will be provided to the complainant following the conclusion of the meeting.
- 7.6. Within five working days of the date of the panel hearing, the Chair of the panel will write to the complainant and inform them of the outcome of their complaint. The decision of the panel is final and there is no further rights of appeal.

## **8. Outcomes**

- 8.1. At any of the three stages, any of the below outcomes or findings may be reached as a result of the complaint:
- The complaint requires no further action;
  - There is insufficient evidence to either uphold or dismiss the complainant's complaint;
  - An acknowledgement that the Academy, Trust or LTSA could have handled the situation differently or better;
  - An apology;
  - An explanation of steps which have been taken to ensure the circumstances which led to the complaint will not happen again;
  - An agreement to review the Trust's policies in light of the complaint.

- 8.2. A written record will be kept of all complaints made, along with the details of whether they were resolved in stage 1, stage 2 or stage 3 of the process, regardless of whether the complaint is upheld.

The Trust will keep a record of the action taken as a result of the complaint, regardless of whether the complaint is upheld.

- 8.3. If the complaint proceeds to stage 3, once a finding has been reached the following actions will be taken:
- The complainant and, where relevant, the person complained about will receive a copy of the findings and recommendations of the panel, provided that where any information if disclosed is likely to breach the Trust's data protection obligations, those relevant sections of the findings and recommendations may be omitted.
  - The findings and recommendation of the panel will be available at the Academy for the Academy Headteacher and the Trust's review.

- 8.4. The correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or body conducting an inspection under section 109 of the Education and Skills Act 2008 requests access to them.

## **9. Unreasonable Complaints**

- 9.1. The Trust and all Academies within the Trust are committed to dealing with all complaints fairly and impartially and providing a high quality of service to those who complain. However, the Trust will not tolerate unacceptable behaviour towards its staff and will take action to prevent behaviour which is abusive, offensive or threatening.
- 9.2. The Trust defines unreasonable complaints as those which, because of the frequency or nature of the complainant's contacts with the Academy, Trust or

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LTSA, hinder the Academy's, Trust's or LTSA's consideration of their or other people's complaints.

- 9.3. Complainants should try to limit their communication with the Academy, the Trust and LTSA whilst their complaint is ongoing. Excessive communications from the complainant may result in a delay regarding any decision being reached. Any complainant who communicates with an Academy, Trust or LTSA excessively may be subject to a communication plan limiting their contacts within individual Academies and the Trust.
- 9.4. The following behaviours exhibited by a complainant may be considered unreasonable by the Trust:
- Refusing to articulate their complaint or specify its grounds or outcomes sought despite the offer of assistance;
  - Refusing to co-operate with this complaints procedure whilst still wishing the complaint to be resolved;
  - Refusing to accept that certain issues are not within the scope of this complaints procedure;
  - Insisting that the complaint be dealt with in ways which are incompatible with the complaints procedure or good practice;
  - Introducing trivial or irrelevant, or raising large numbers of detailed or unimportant questions;
  - Insisting on answers to issues raised immediately or within timeframes incompatible with this procedure;
  - Making unjustified complaints about staff members who are trying to deal with their complaint;
  - Changing the basis of the complaint as the investigation proceeds;
  - Repeatedly making the same complaint, despite previous investigations or responses making clear that the complaint is groundless or has been addressed;
  - Refusing to accept the findings of an investigation into that complaint when this complaints procedure has been followed and completed, notwithstanding any referral to the Secretary of State for Education;
  - Seeking an unrealistic outcome;
  - Making excessive demands on the Trust's time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint whilst it is being dealt with.
- 9.5. A complaint may also be considered to be unreasonable if the complainant:
- communicates maliciously;
  - communicates aggressively;
  - uses threats, intimidation or violence towards any member of staff within the Trust/or LTSA;

- uses abusive, offensive or discriminatory language in their communication with the Academy, Trust or LTSA;
- raises a complaint which they know to be false;
- uses or produces falsified information to support their complaint; and
- publishes information regarding their complaint in any form of media such as social media, website comments sections or by approaching newspapers.

9.6. Wherever possible, the Trust will discuss any concerns it has with the complainant before applying an unreasonable classification to their complaint.

9.7. In response to any serious incidents of aggression or violence, the Trust may inform the police of the complainant's actions and the complainant may be barred from the Trust's premises.

## **10. Confidentiality**

10.1. The Trust, each Academy and LTSA will keep all information regarding a complaint confidential and will only disclose details regarding a complaint if there is a specific reason which would require disclosure, such as a referral in relation to safeguarding.

## **11. Retention of Records**

11.1. Following the National Archive procedures, the Trust, each Academy and LTSA will keep registers of complaints on file for 10 years and records of reports of complaints or a category of complaints for three years.

## **12. Policy Change**

This policy may only be amended or withdrawn by the Priory Federation of Academies Trust.

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## **The Priory Federation of Academies Trust Complaints Policy**

This Policy has been approved by The Priory Federation of Academies Trust's Pay, Performance and HR Committee:

Signed..... Name..... Date:

Trustee

Signed..... Name..... Date:

Chief Executive Officer

Signed..... Name..... Date:

Designated Member of Staff

Please note that a signed copy of this agreement is available via Human Resources.