

2017

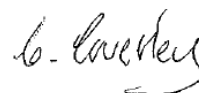
# Complaints Policy



Person responsible for the policy - **Chief Executive Officer (CEO)**

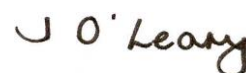
**Company Secretary reviewed 07/06/2017**

Reviewed and adopted by the Standards Committee on behalf of the Board on 15/06/2017



**Signed by Chair of Standards (Mr C Coverley)**

Date 15/06/2017



**Signed by CEO (Mrs J O'Leary)**

Date 15/06/2017

**This policy will be reviewed summer 2019**

## **1 Introduction**

1.1 SHINE Multi Academy Trust (SHINE) is dedicated to providing the best possible education and support for all pupils within its academies. This means having a clear, fair, and efficient procedure for dealing with any complaints to or against an academy, so that any issues that arise can be dealt with as swiftly and effectively as possible.

1.2 SHINE's Board of Trustees (Board) welcomes feedback on the services it provides. Should anyone be unhappy with any aspect of an academy within SHINE, it is important that the Board and relevant academy learns about this. The Board recognises there is a difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage reduces the numbers that develop into formal complaints. The Board aims to ensure that concerns are handled, if at all possible, without the need for formal procedures. SHINE's formal complaints procedure is only necessary if efforts to resolve the concern informally are unsuccessful. Where an individual may feel that an issue has not been dealt with appropriately it is important, for all involved, that there is a clear and transparent process for a complaint to be considered.

1.3 This policy outlines how complaints will be dealt with by the Board and the relevant academy in accordance with the procedure that complies with the Education (Independent School Standards) (England) Regulations 2014.

1.4 This policy will be followed in respect of all complaints by parents/carers against SHINE or the academies within the Trust except in the following areas (where separate policies exist):

- child protection allegations;
- exclusions;
- admissions;
- disciplinary issues relating to members of staff; and
- allegations of abuse against staff.

1.5 Please note that anonymous complaints will not be examined under this or any complaints procedure.

1.6 Please note that should a complaint, informal or formal, reveal an issue for which other procedures exist (for example, child protection) then it will be dealt with under those procedures rather than as a complaint.

1.7 All SHINE staff will be made aware of the complaints procedure and the Academy Headteacher will review this policy regularly with them in order that they are all familiar with SHINE's process of dealing with complaints and can be of assistance when an issue is brought to their attention.

## **2 General principles**

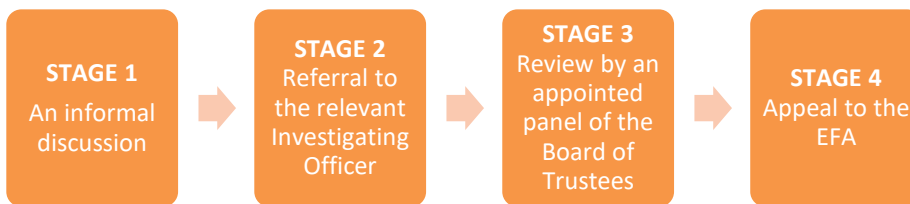
2.1 SHINE's complaints procedure will:

- encourage resolution of problems by informal means wherever possible;
- be easily accessible and publicised;
- be simple to understand and use;
- be impartial and non-adversarial;
- allow swift handling with established time-limits for action and keeping complainants informed of progress;
- respect any desire for confidentiality;

- address all the points at issue and provide an effective response and appropriate redress, where possible;
- Provide information to the Board and their appointed local governing bodies and its leadership teams so that services can be improved.

### 3 Our four stage procedure

The following diagram outlines the key stages of our complaints procedure.



### 4 Stage 1 - Informal Resolution

4.1. Many enquiries and concerns can be dealt with satisfactorily by the class teacher, senior leader, the Academy Headteacher or the Chief Executive Officer (CEO) without the need to resort to a formal procedure. SHINE values informal meetings and discussions and encourages parents, carers and stakeholders to approach staff with any concerns they may have, and they will aim to resolve all issues with open dialogue and mutual understanding.

4.2 If a parent, carer or stakeholder has a concern that they would like to take up with the academy they should initially inform a member of staff either in person, over the telephone or in writing. The parent, carer or stakeholder will then be invited to an informal meeting with the member of staff most appropriate for dealing with that concern.

4.3 There is no suggested time-scale for resolution at this stage given the importance of dialogue through informal discussion although it would be expected that most issues would be resolved within 10 academy days.

4.4 Should face to face discussions appear unlikely to resolve matters, either party may initiate a move to the formal procedure at stage 2 onwards.

## 5. Stage 2 - Formal Written Complaints

5.1 If a parent, carer or stakeholder (complainant) does not feel that their concern has been dealt with as they would like, are unhappy with the outcome of the informal meeting or feel that the issue is serious enough that it warrants it, the complainant should set out the precise nature of the complaint on the form at the end of this policy and return this to the Clerk to the Board c/o Whitemoor Academy, Bracknell Crescent, Nottingham NG8 5FF marking the envelope 'private and confidential' or via email [clerk@shine-mat.com](mailto:clerk@shine-mat.com) (or for the attention of the Chair of the Board if the complaint is about the Clerk to the Board). The complainant should keep a copy of this form and all other relevant correspondence.

5.2 The Clerk to the Board will pass the complaint onto the appropriate Investigating Officer;

- the Academy Headteacher of the relevant academy, or
- the Chair of the Board if the complaint is about the Academy Headteacher, or
- the CEO if the complaint does not relate to an individual academy, or
- the Chair of the Board if the complaint is about the CEO.

They should acknowledge the complaint in writing within 5 academy days of receipt of the form and they will investigate the concerns and outline their decision if there is one to be made, and any action to be taken as a result of the complaint.

5.3 The Investigating Officer may call the complainant in for a meeting to discuss the issue outcome, possible solutions, or to explain what has or will happen as a result of the complaint.

5.4 The Investigating Officer will keep a record of all interactions with the complainant and other staff, meetings and decisions made in reference to the complaint.

5.5 If the complaint is an allegation of abuse, a formal investigation may be instigated by the Board or external child welfare authorities to whom the academy reports. Please refer to our allegations of abuse against staff policy for an outline of this procedure.

5.6 The Investigating Officer will respond to the complainant in writing within 15 academy days from acknowledgement of the complaint, outlining their response to the complaint, and any action that has or will be taken. If the Investigating Officer has decided not to take any further action on the issue, they will explain what they have decided, how they have reached this

decision, and will outline the complainant's right to take the matter further and the steps to be taken.

5.7 If in the early stages of the investigation, the Investigating Officer considers that the complaint is best dealt with at Stage 3, it will be passed to the Chair of the Board via the Clerk to the Board (the Vice Chair where the complaint has been reviewed by the Chair of the Board) and the complainant informed of this action without delay.

5.8 The complainant has 10 academy days to consider the outcome of their complaint at stage 2 and instigate stage 3. If no request for a complaints panel hearing is received within 10 academy days it will be deemed that the decision is accepted and the complaint will be closed.

### **6. Stage 3 - Complaints Panel**

6.1 If the complainant is dissatisfied with the outcome of their complaint at stage 2, they may lodge their complaint with the Chair of the Board (c/o The Clerk to the Board, Whitemoor Academy, Bracknell Crescent, Nottingham NG8 5FF marking the envelope 'private and confidential' or via email [clerk@shine-mat.com](mailto:clerk@shine-mat.com)) in writing, explaining their concern and the steps that have lead up to them taking this course of action.

6.2 If the Chair of the Board is the subject of a complaint, or has reviewed the complaint under stage 2, the complainant should send the form directly to the Vice Chair of the Board (c/o The Clerk to the Board, Whitemoor Academy, Bracknell Crescent, Nottingham NG8 5FF marking the envelope 'private and confidential' or via email [clerk@shine-mat.com](mailto:clerk@shine-mat.com)).

6.3 The Chair of the Board (or Vice Chair) will convene a panel of at least three trustees and/or local governors who were not directly involved in the matters detailed in the complaint. This will comprise of at least one person independent of the management and running of the academy / Trust. The panel will hear the complaint within 15 academy days of the request for a panel hearing.

6.4 The Clerk to the Board shall take reasonable steps to convene a panel hearing at a time and date mutually convenient to all parties and will act as an impartial advisor.

6.5 The complainant is entitled to attend the panel hearing, and be accompanied. The complainant should notify the Clerk to the Board in advance if they intend to bring anyone to the hearing.

6.6 The panel hearing procedure is as follows:

1. The complainant and the Investigating Officer will enter the hearing together.
2. The Chair of the panel will introduce the panel members and outline the process.
3. The complainant will explain the complaint.
4. The Investigating Officer and panel will question the complainant.
5. The Investigating Officer will explain the academy's / Trust's actions.
6. The complainant and panel will question the Investigating Officer.
7. The complainant will sum up their complaint.
8. The Investigating Officer will sum up the academy's / Trust's actions.
9. The Chair of the panel will explain that both parties will hear from the panel within 5 academy days.
10. Both parties will leave together while the panel deliberates.
11. The Clerk to the panel will stay to assist the panel with its decision making.

6.7 The Chair of the panel will notify the complainant of the panel's decision in writing within 5 academy days of the panel hearing. The letter will set out the decision of the panel together with the reasons underpinning that decision. The letter may set out recommendations which will be made to the Board and will set out any further rights of appeal.

## **7. Stage 4 - Appeal**

7.1 If the complainant is dissatisfied with how the complaint has been handled after exhausting stages 1-3 of this policy, the complainant can write to the Secretary of State for Education via the Education Funding Agency (EFA).

7.2 The EFA will consider complaints that fall into any of the following three categories:

1. where there is undue delay or the academy/Trust did not comply with its own complaints procedures when considering a complaint;
2. where the academy/Trust is in breach of its funding agreement with the Secretary of State;
3. where the academy / Trust has failed to comply with any other legal obligation.

7.3 The EFA will normally only consider complaints when every stage of the above process has been completed.

7.4 Further details can be found at <https://www.gov.uk/complain-about-school>  
[https://form.education.gov.uk/submitform.php?self=1&form\\_id=cCCNJ1xSfBE&type=form&ShowMsg=1&form\\_name=Contact+the+Department+for+Education&noRegister=false&ret=%2Fmodule%2Fservices&noLoginPrompt=1](https://form.education.gov.uk/submitform.php?self=1&form_id=cCCNJ1xSfBE&type=form&ShowMsg=1&form_name=Contact+the+Department+for+Education&noRegister=false&ret=%2Fmodule%2Fservices&noLoginPrompt=1).

7.5 The EFA will not overturn a Trust's decision about a complaint. However, if they find a Trust did not deal with a complaint properly they will request the complaint is looked at again and procedures meet the requirements set out in the regulations. If they deem the Trust's complaints procedure does not meet with regulations, they will ask the Trust to put this right. They may seek to enforce the decision under the terms of the funding agreement on behalf of the Secretary of State, if appropriate.

## **8. Record of complaints**

8.1 A written record of all complaints and documentation relating to the handling of the complaint will be kept confidentially by the Board but may be inspected where appropriate by the Secretary of State or any inspection body.

## **9. Vexatious complaints**

9.1 Whilst it is hoped that this policy will reduce any dissatisfaction with SHINE, it is acknowledged that there may be rare occasions where a complainant continues to be dissatisfied with SHINE and the outcomes achieved under the complaints policy.

9.2 Where a complainant attempts to re-open an issue which has already been dealt with under the complaints policy, the Chair of the Board will contact them to inform them that the matter has already been dealt with and that either that stage of the policy has been exhausted or that the complaints policy has been exhausted and the matter is considered closed. Where further correspondence is received on the same matter, this may be considered vexatious and the Board will be under no obligation to respond to that correspondence.





# SHINE Multi Academy Trust

## Complaints form

<b>Your name</b>
<b>Pupil's name</b>
<b>Academy pupil attends</b>
<b>Your relationship to pupil</b>
<b>Your address and postcode</b>
<b>Your daytime telephone number</b>
<b>Your evening telephone number</b>
<b>Your email address</b>
<b>Your complaint is...</b>  (Include details of actions already taken by the school/Trust to try to resolve the situation)

**Your complaint continued...**

**What action have you already taken to try and resolve your complaint?**

(Who did you speak to and what was the response?)

**What would you like as an outcome from your complaint?**

**Are you attaching any paperwork? If so, give details here**

**Your signature..... Date .....**

**All functions of the complaints procedure must adhere to the requirements of the Data Protection Act 1998 and the Freedom of Information Act 2000.**

The Clerk to the Board, Whitemoor Academy, Bracknell Crescent, Nottingham NG8 5FF marking the envelope 'private and confidential' or via email [clerk@shine-mat.com](mailto:clerk@shine-mat.com)).

**Office use**

**Date received .....**

**Date acknowledgement sent .....**

**Responsible member of staff (Investigating Officer).....**