



## Complaints Policy

South Bank Academies is accountable for South Bank UTC and South Bank University Academy. At South Bank Academies Trust ('the trust'), all staff are dedicated to providing all students with the best possible education and will aim to care properly for their health, safety and welfare at all times. We are committed to working closely with parents and carers and believe that all schools both within and outside of the trust, and the parents and carers should work in partnership, each carrying out their particular responsibilities to help the students gain the most from their time at their School.

### Statement of Policy

The Trust must 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.

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. In most cases the teacher, tutor, pastoral or attendance officer or member of the senior leadership team in a school will receive the first approach. It is helpful if staff were able to resolve issues on the spot, entering into dialogue with the person raising a concern.

### Dealing with Complaints: Formal Procedures

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.

It may be necessary to nominate a complaints coordinator at each school i.e. a member of staff who has responsibility for the operation and management of the school complaints procedure.

### Framework of Principles

An effective 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 Trust so that services can be improved.

### **Investigating Complaints**

At each stage, the person investigating the complaint (the investigator or Complaints Co-ordinator), should ensure that they:

- 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 if 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 all interviews with an open mind and be prepared to persist in the questioning
- keep notes of the interview.

### **Resolving Complaints**

At each stage in the procedure the school will consider ways to resolve a complaint. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- 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 school or trust policies in light of the complaint.

Complainants should be encouraged to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence. It is important to clarify any misunderstandings that might have occurred in order to create a positive atmosphere in which to discuss any outstanding issues.

### **Vexatious Complaints**

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 Principal or Executive Principal is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

### **Time-Limits**

Complaints will be considered and resolved as quickly and efficiently as possible. Realistic time limits for each action within each stage must be set. 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.

## **The Formal Complaints Procedure**

### **The Stages of Complaints**

At each stage, clarification of exactly who will be involved, what will happen, and how long it will take must be communicated. There may, on occasion, be the need for some flexibility; for example, the possibility of further meetings between the complainant and the member of staff directly involved and further investigations may be required by the Principal after a meeting with the complainant.

The following stages are likely to be sufficient:

- **Stage One:** Complaint heard by Staff Member
- **Stage Two:** Complaint heard by the Principal (if not the subject of the complaint)
- **Stage Three:** Complaint heard by Executive Principal or Trust's complaints appeal panel.

If a complaint concerns the conduct of the Principal, Executive Principal or Chief Executive or where the Principal, Executive Principal or Chief Executive has been involved in the issue previously, the process for dealing with this complaint must be explained.

## **Managing and Recording Complaints**

### **Recording Complaints**

A complaint may be made in person, by telephone, or in writing, including through email. An example of a complaint form can be found in Annex A. At the end of a meeting or telephone call, the member of staff should ensure that the complainant and the school have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls should be kept and a copy of any written response added to the record sent to the Complaints Coordinator.

The Complaints Coordinator, who will be an appropriate nominated member of staff, should be responsible for the records and hold them centrally. All correspondence, and statements and records of complaint must be kept confidential but qualifying complaints must be shown to Ofsted when they inspect.

### **Trust Review**

The Trust 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; the School Advisory Board will be notified of complaints through the Principal's Report in order to advise and challenge.

The process of listening to and resolving complaints will contribute to Trust-wide improvement. When individual complaints are heard, underlying issues that need to be addressed may arise. The monitoring and review of complaints by the Schools, School Advisory Boards and the Trust can be a useful tool in evaluating performance.

## Complaints Procedure

### Stage One: Complaint Heard by Staff Member

1. It is in the interests of everyone that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the school 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.
2. Parents and carers should never feel or be made to feel that a complaint made in a reasonable and appropriate way will be taken amiss or will reflect adversely on the student or their opportunities at the school. The school will try to investigate and try to resolve every complaint in a positive manner and will treat every complaint as an opportunity to improve our service.
3. The school will try to respect the views of a complainant who indicates that they would have difficulty discussing a complaint with a particular member of staff. In these cases, the matter will be referred to the Principal who may, if they feel it appropriate, refer the complainant to another staff member. Alternatively they may not feel this is necessary. Where the complaint concerns the Principal, the complainant can be referred to the Executive Principal.

NB Complaints brought by staff should be investigated using the Grievance procedure and not this Complaints Policy. In addition:

- Anonymous complaints will not be considered.
- Complaints must be made within 3 months of the event. Complaints after this period will not be considered
- Line Managers or other delegated managers will investigate the complaint.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the Principal 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.

4. Where the first approach is made to a Governor, the next step would be to refer the complainant to the Principal. Governors 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.
5. The Line Manager will ensure that a written or oral acknowledgement is provided to the complainant within five working days of receiving a complaint. The acknowledgement will give a brief explanation of the Trust's complaints procedure and will give a target date for providing a response to the complaint which should

normally be within 10 working days. If the target cannot be met a letter should be written within 10 working days, explaining the reason for the delay and providing a revised target date.

6. The Line Manager will seek to meet or speak with all of the appropriate people in order to establish the facts relating to the complaint, if the information given on the complaints form necessitates this. This may include the complainant, staff and any other person.
7. Once all of the facts have been established, the Line Manager will then produce a written response to the complainant, or may wish to meet the complainant to discuss/resolve the matter directly.
8. A written response should contain an outline of the complaint and a summary of the response to the complaint, including the decision reached and the reasons for it. Where appropriate, this should also include what response the Academy will take to resolve the complaint. This may be by way of a general description e.g. 'Action taken within the Disciplinary Procedure'.
9. When the investigation has been concluded the complainant and the member of staff concerned will be informed in writing of the outcome. This may be to the effect that:
  - There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld
  - The concern was not substantiated by the evidence
  - The concern was substantiated in part or in full. Some details may then be given of the action the school may be taking to review procedures etc. but details of the investigation or of any disciplinary procedures will not be released
  - The matter has been fully investigated and that appropriate procedures are being followed which may be strictly confidential (e.g. where staff disciplinary procedures are being followed).
10. This letter or report must be endorsed by the Principal. It should also inform the complainant that should she/he wish the complaint to progress to the second stage of this procedure then she/he should send a written request stating this to the Principal within 10 working days of receiving the response.

If no further communication is received from the complainant within 10 working days it is deemed that the complaint has been resolved and should end.

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

If the complainant is dissatisfied with the way the complaint was handled at Stage One, or if the complaint is of a serious nature, they may go to Stage Two and have the Principal hear the 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.

The same timings as in Stage One will apply.

If the complaint is about the Principal, the Executive Principal will hear the complaint at Stage Two. If the complainant is unhappy with the outcome, the complaint will proceed to Stage Three. The decision at Stage Three will be final.

### **Stage Three: Complaint Heard by South Bank Academies Complaints Appeal Panel**

The Complaints Appeal Panel is the last Trust-based stage of the complaints process and is not convened to merely rubber-stamp previous decisions.

A request for a complaint to be heard by a Complaints Appeal Panel must be made in writing and within ten (10) working days of the date of the decision made at Stage 2.

Where an appeal is received, the academy will, within three (3) working days, refer the matter to the Clerk to the Trust Board who will act as Clerk to the Complaints Appeal Panel. The Clerk will acknowledge, in writing, receipt of the appeal within three (3) working days and inform the complainant of the steps involved in the process. The Clerk will be the contact point for the complainant.

The Clerk will aim to convene a Complaints Appeal Panel hearing as soon as possible, normally no later than 20 working days after receipt of the Stage 3 request.

The Clerk to the Governors will write and inform the complainant and any witnesses, the panel etc. of the date and location of the meeting five (5) working days in advance. The notification to the complainant should also inform them of the right to be accompanied to the meeting by a friend/interpreter/supporter/advocate. The letter should explain how the meeting will be conducted and the complainant's right to submit further written evidence to the panel. The Principal has the right to bring representation if so desired.

Intervention of parallel investigations relevant to the complaint by the Police or social services may cause variation to these time scales. Any such variation will be notified to the complainant.

All parties will be given the opportunity to submit written evidence to the Panel in support of their position including:

- documents
- chronology and key dates
- written statements setting out further detail

The evidence will be considered by the Panel along with the initial submission. All written evidence must be received by the Clerk no later than five (5) working days in advance of the Panel Hearing. The Clerk will distribute the evidence to all parties no later than three (3) working days in advance of the Panel Hearing.

## **Complaints Appeal Panel Timeline**

A: Stage 2 decision communication date

A + 10 working days: Deadline to submit appeal to school

A + 13 working days: Deadline for school to communicate with Clerk to Trust

A + 16 working days: Deadline for Clerk to Trust to communicate with complainant

B: Stage 3 Hearing date (A + 30 working days)

B – 5 working days: Deadline to communicate dates and location of meeting

B – 5 working days: Deadline for submission of paper materials to be included within document pack

B – 3 working days: Deadline for circulation of meeting pack to all participants

## **Composition of the Panel**

The Trust may nominate governors with delegated powers to hear complaints at that stage and set out its terms of reference. These include:

- drawing up its procedures
- hearing individual appeals
- making recommendations on policy

The panel can be drawn from the nominated governors and consists of three governors (members of the relevant School Advisory Board). The panel will select their own Chair. It may be necessary to draw on governors of other School Advisory Boards to make up numbers on the panel. This will be made clear in the panel documentation.

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

The Complaints 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 Trust or School's systems or procedures to ensure that similar problems do not recur

## **Roles and Responsibilities**

The **complainant** will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the school in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality

The **Clerk to the Trust** is the contact point for the complainant at Stage 3 and required to:

- set the date, time and venue of the hearing, ensuring where possible that the dates are convenient to all parties and that the venue and proceedings are accessible
- ensure that the Complaints Panel is convened within 20 working days of the notice of formal complaint being received, unless all parties agree to any further deferral
- collate any written material and send it to the parties in advance of the hearing
- meet and welcome the parties as they arrive at the hearing
- record the proceedings and outcomes of the hearing
- notify all parties in writing of the panel's decision and any recommendations within 15 working days of the hearing
- ensure that copies of all the written records of the hearing are included on the Complaints Coordinators confidential file and record of complaints.

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

- check that the correct procedure has been followed
- 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 carers and others who may not be used to speaking at such a hearing are put at ease
- any friend or advocate/interpreter accompanying the parent or carer/complainant is advised of their role and how the panel will arrange for their contribution to proceedings
- 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
- one member of the panel is independent of the management and running of the school
- each side is given the opportunity to state their case and ask questions
- written material is seen by all parties, provided it does not breach confidentiality of any individual's rights to privacy under the DPA 2018 or GDPR. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

**Committee Members** should be aware that:

- the meeting must be independent and impartial and should be seen to be so. No governor may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant
- many complainants will feel nervous and inhibited in a formal setting and parents and carers often feel emotional when discussing an issue that affects their child

- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting. The committee should ensure that support is offered to help them present their complaint and the views of the child/young person are respected and given equal consideration to those of adults. If the committee considers that it is not in the child/young person's best interests to be present, this should be communicated to the parents/carer sensitively.

### **Hearing the Complaint at the Meeting**

The aim of the meeting will be to resolve the complaint and achieve reconciliation between the Academy and the complainant.

In the interest of natural justice, the introduction of previously undisclosed evidence or witnesses would be a reason to adjourn the meeting so that the other side has time to consider and respond to the new evidence.

The recommended conduct of the meeting is as follows:

- a) The Chair of the panel will welcome the complainant, introduce the panel members and explain the procedure.
- b) The Chair of the panel will invite the complainant to explain the complaint.
- c) The Committee members may question the complainant about the complaint and the reasons why it has been made.
- d) The Principal will be invited by the Chair of the panel to question the complainant about the complaint and why it has been made, unless the complaint is about the Principal.
- e) The Chair of the panel will invite the Principal to make a statement in response to the complaint. At the discretion of the Chair of the panel, the Principal or Executive Principal may invite members of staff directly involved in the complaint to supplement their response.
- f) The Committee members may question the Principal or Executive Principal and/or members of staff about the response to the complaint.
- g) The Chair of the panel will allow the complainant to question the Principal or Executive Principal and/or members of staff about the response to the complaint.
- h) Any party has the right to call witnesses, subject to the approval of the Chair of the Committee.
- i) The Committee, the Principal or Executive Principal and the complainant have the right to question any such witness.
- j) The Principal or Executive Principal will be invited by the Chair of the panel to make a final statement.
- k) The complainant will be invited by the Chair of the panel to make a final statement.
- l) The Chair of the panel will explain to the complainant and the Principal or Executive Principal that the decision of the panel will be considered and a written decision will be sent to both parties within **15 working days**. The Chair of the panel will then ask all parties to leave, except for members of the Committee.
- m) The Committee will then consider the complaint and all the evidence presented and:
  - Reach a decision on the complaint and the reasons for it
  - Decide upon the appropriate action to be taken to resolve the complaint.
- n) The Governors sitting on the panel need to be fully aware of the complaints.

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

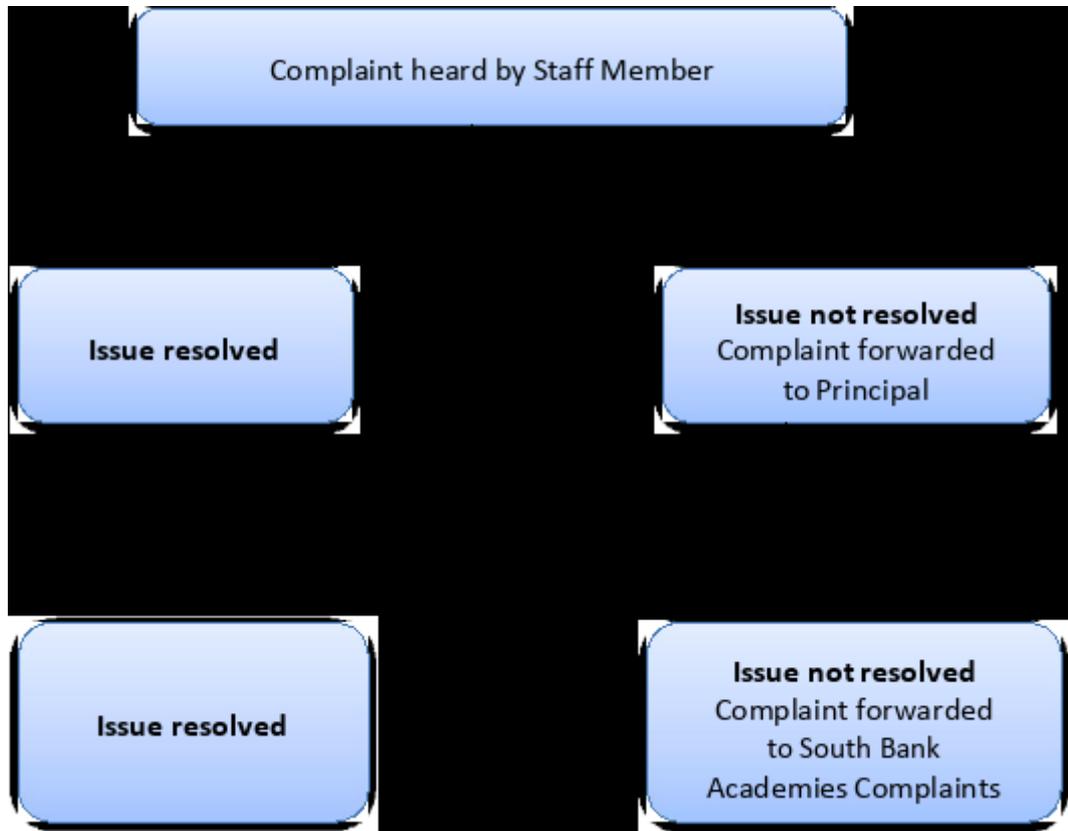
The Chair of the Panel needs to ensure, via the Clerk to the Trust, that the complainant is notified of the panel's decision and any recommendations, in writing, within 15 working days. The letter will explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

### **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. Students may not appear as witnesses but they may provide statements.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The Principal may question both the complainant and the witnesses after each has spoken.
- The Principal is then invited to explain the School's actions and be followed by the School's witnesses.
- The complainant may question both the principal and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The Principal is then invited to sum up the School's 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.

## Flowchart Summary of Dealing with Complaints



**Policy approved by:** South Bank Academies trust board

**Date of last review:** October 2021

**Date of next review:** August 2022

# Appendix 1



## Complaint Form

Please complete and return to..... (Complaints Co-ordinator) who will acknowledge receipt and explain what action will be taken.

Your name:
Student's name:
Your relationship to the student:
Address:
Postcode:
Day time telephone number:
Evening telephone number:
Please give details of your complaint:
What action, if any, have you already taken to try and resolve your complaint (who did you speak to and what was the response?)

**What actions do you feel might resolve the problem at this stage?**

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

**Signature:**

**Date:**

**OFFICIAL USE**

**Date acknowledgement sent:**

**By who:**

**Complaint referred to:**

**Date:**