

The
MAST
 Academy Trust

Policy	Complaints policy and procedures		
Owner	Melanie Humphreys – The Mast Executive Administrator		
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Approver	Martyn Jones	Signature	<i>Martyn Jones</i>

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Objective of Policy

To provide guidance on the policy and process of raising a concern or complaint relating to the Academy, or the services that it provides.

Version Control	
Version Number	Summary of amends from previous version
2.0	Review and appropriate updates since last version, front cover amends.

Sign off requirements	
Approvers	Position
Chair of trustees ratification	Martyn Jones
Local LGB adoption approval	Chair of Governors per LGB
Reviewers	Position
Natasha Greenough	CEO The MAST
Trust representative	
Unions consulted (if applicable)	Representative

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1.0 General Principles:

This policy allows you to raise a concern or complaint relating to the Academy, or the services that it provides.

An anonymous concern or complaint will not be investigated under this policy and our procedures, unless there are exceptional circumstances.

To allow for a proper investigation, concerns or complaints should be brought to the attention of the academy/trust as soon as possible. In general, any matter raised more than 3 months after the event, being complained of, will not be considered.

When complaining you are required to follow the complaints procedure to allow your complaint to be acted upon both fairly and timely.

Copies of the policy and procedures are available from each academy by contacting the respective Headteacher or the academy reception:

Please ensure you give as much accurate information as possible to allow your complaint to be both investigated and heard.

2.0 Complaints Policy and Procedures

- 2.1 This policy and procedure is for the benefit of pupils, and parents/carers of pupils at the academies. This policy and the procedures will be relied upon in respect of **all complaints** by parents/carers and pupils 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 The academies expect 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 in writing to the Headteacher 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 that your child receives at the academy.
- 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 The academy 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 direct to staff at the academy or to the Trust, will be logged and monitored by the Governing Body on a termly basis.

4.0 Raising a concern or complaint

4.1 Informal Stage – Stage 1

Most concerns will be dealt with informally and parents/carers are encouraged to make contact with 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. It is normally appropriate to communicate directly with the member of staff concerned. This may be by letter, by telephone or in person by appointment.

All appointments must be made via the Academy office. Many concerns can be resolved by simple clarification or the provision of information and it is anticipated that most complaints will be resolved by this informal stage.

In the case of serious concerns it may be appropriate to address them directly to the senior member of staff in charge of the area of concern (or to the Chair of the governing body, if the complaint is about the Headteacher). Equally, if you have been unable to resolve the matter directly with the member of staff concerned, you can contact the senior leader for the area of concern. This may be a Head of Year or Subject Leader or an Assistant Headteacher.

If you are uncertain about who to contact, please seek advice from one of the academy offices.

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 2.

4.2 Formal Stage – Stage 2

If your concern or complaint is not resolved at the informal stage you must put the complaint in writing and pass it to the Headteacher, normally via the Academy office, (for the attention of the Chair, if the complaint is about the Headteacher) who will be responsible for ensuring that it is investigated appropriately.

A Complaint Form is provided in the procedures annex to assist you.

You should include details that might assist the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents.

It is very important that you include a clear statement of the actions that you would like the Academy to take to resolve your concern. Without this it is much more difficult to proceed.

Please pass the completed form in a sealed envelope, to the Headteacher or to the Chair of the Governors, as appropriate via the academy office.

The Headteacher [or Chair] may invite you to a meeting to clarify your concerns and to seek an informal resolution. If you accept that invitation you may be accompanied by a friend, if you wish, to assist you in explaining the nature of your concerns.

It is possible that your complaint will be resolved through a meeting with the Deputy or Headteacher (or Chair). If not arrangements will be made for the matter to be fully investigated, using the appropriate procedure. This may be through the appointment of an investigating officer who will look into the nature of your complaint. In any case you should learn in writing, usually within 5 days of the Academy receiving your formal complaint, of how the Academy intends to proceed. This notification should include an indication of the anticipated timescale.

Any investigation will begin as soon as possible and when it has been concluded, you will be informed in writing of its conclusion. Please note at this stage we can only investigate all the information known at that time.

4.3 Review Request – Governing Body – Stage 3

If you are not satisfied with the manner in which the process has been followed, you may request that the governing body reviews the process followed by the Academy in handling the complaint. Any such request must be made in writing to the clerk to the governing body, within 10 Academy days of receiving notice of the outcome, and include a statement specifying any perceived failures to follow the procedure. The procedure described below will be followed. A Review Request form is provided for your convenience in the procedures.

The Governing Body will convene a complaints' committee who will look into how your complaint has been handled and decide if the academy has followed the correct procedures. They will not look again at the complaint. If the panel feel that the complaint has not been handled correctly, then they may ask the Headteacher to review the outcome and they may make recommendations. You will be informed in writing within 10 working days of the outcome of the review

4.4 Review Process/Panel Hearing – Stage 4

It is unlikely that any complaints will reach stage 4. This stage should only be used if you feel that the Governors Review Panel have not followed the correct procedure. If parents/carers seek to invoke Stage 4, you should write to the Trust Board. Your letter should be addressed to the Clerk to the Trust Board, Mast Academy Trust, c/o Scissett Middle School, Wakefield Rd, Huddersfield, HD8 9JX. You should request that your complaint be further considered by an independent Complaints Panel set up for this purpose and clearly state the reason why you feel the academy has not handled your complaint correctly.

This request for further assessment of the complaint will, for the purposes of this procedure, be known as an 'appeal'. The panel will not re-examine your complaint but will review the processes adopted by the academy to ensure that a fair and proper process has happened.

Any review of the process followed by the Academy will be conducted by a panel of 3 members of the governing body of the academy concerned or another academy within the trust or members of the

Trust Board. No member of the panel will have had any direct knowledge of the complaint prior to the appeal. The appeal will usually take place within 10 Academy days of receipt of your request.

The review will normally be conducted through a consideration of written submissions, but reasonable requests to make oral representations should be considered sympathetically.

The panel will first receive written evidence from the complainant.

The panel will then invite representatives of the Academy (usually the Headteacher or the Chair of the governing body panel that has considered the matter) as appropriate to make a response to the complaint.

The panel may also have access to the records kept of the process followed.

You, and the Academy representative(s) will be informed in writing of the outcome, usually within 5 Academy days of the panel meeting.

The Panel's findings will be sent by the Clerk in writing to the parents/ carers, the Headteacher, the Governors, the 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, which will be kept for one (1) year after the pupil leaves the academy.

Information (including a copy of the procedures) can be obtained from any academy office.

5.0 Employee complaints against the Headteacher

5.1 Stage 1 - Informal

An employee who wishes to make an informal complaint against the Headteacher with a view to resolving an issue may use any of the following approaches:

- Approach an Assistant Headteacher or another member of the leadership team
- Contacting the trade union representative who may contact the Headteacher representative or the Headteacher directly.

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

5.3 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.

5.4 Stage 2 Formal

The employee should write to the Chair of Governors, via the Clerk to the Governing Body, to raise a complaint against the Headteacher. The complainant must put the details in writing outlining their specific complaint to the Chair of Governors. The same steps outlined within the Complaints Procedure will apply.

5.5 Only an external investigating officer or one or more Governors/Trust Directors may carry out an investigation into complaints against the Headteacher.

5.6 The Chair of Governors may invite you to a meeting to clarify your concerns and to seek an informal resolution. If you accept that invitation you may be accompanied by a friend, if you wish, to assist you in explaining the nature of your concerns.

5.7 It is possible that your complaint will be resolved through a meeting with the Chair of Governors. If not arrangements will be made for the matter to be fully investigated, using the appropriate procedure. This may be through the appointment of an investigating officer who will look into the nature of your complaint. In any case you should learn in writing, usually within 5 days of the Academy receiving your formal complaint, of how the Academy intends to proceed. This notification should include an indication of the anticipated timescale.

5.8 Any investigation will begin as soon as possible and when it has been concluded, you will be informed in writing of its conclusion. Please note at this stage we can only investigate all the information known at that time.

6.0 Review Request – Governance Review – Stage 3

6.1 If you are not satisfied with the manner in which the process has been followed, you may request that the governing body reviews the process followed by the Academy in handling the complaint. Any such request must be made in writing to the clerk to the governing body, within 10 Academy days of receiving notice of the outcome, and include a statement specifying any perceived failures to follow the procedure. The procedure described below will be followed. A Review Request form is provided for your convenience in the procedures.

The Governing Body will convene a complaints' committee which will include at least one member from another academy or the Trust Board, who will look into how your complaint has been handled and decide if the academy has followed the correct procedures. They will not look again at the complaint. If the panel feel that the complaint has not been handled correctly, then they may ask the Chair of Governors to review the outcome and they may make recommendations. You will be informed in writing within 10 working days of the outcome of the review

7.0 Complaints made by the Headteacher

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

7.2 The Headteacher should follow the same process outlined in Section 5 and 6 of this document and seek an informal resolution. If this is not possible, a formal complaint should be made in writing to the Chair of Governors who should follow the guidance laid out in Section 5 and 6 of this policy. The Chair of Governors may appoint an investigating officer from within the academy or from the trust.

8.0 Monitoring, Evaluation and Review

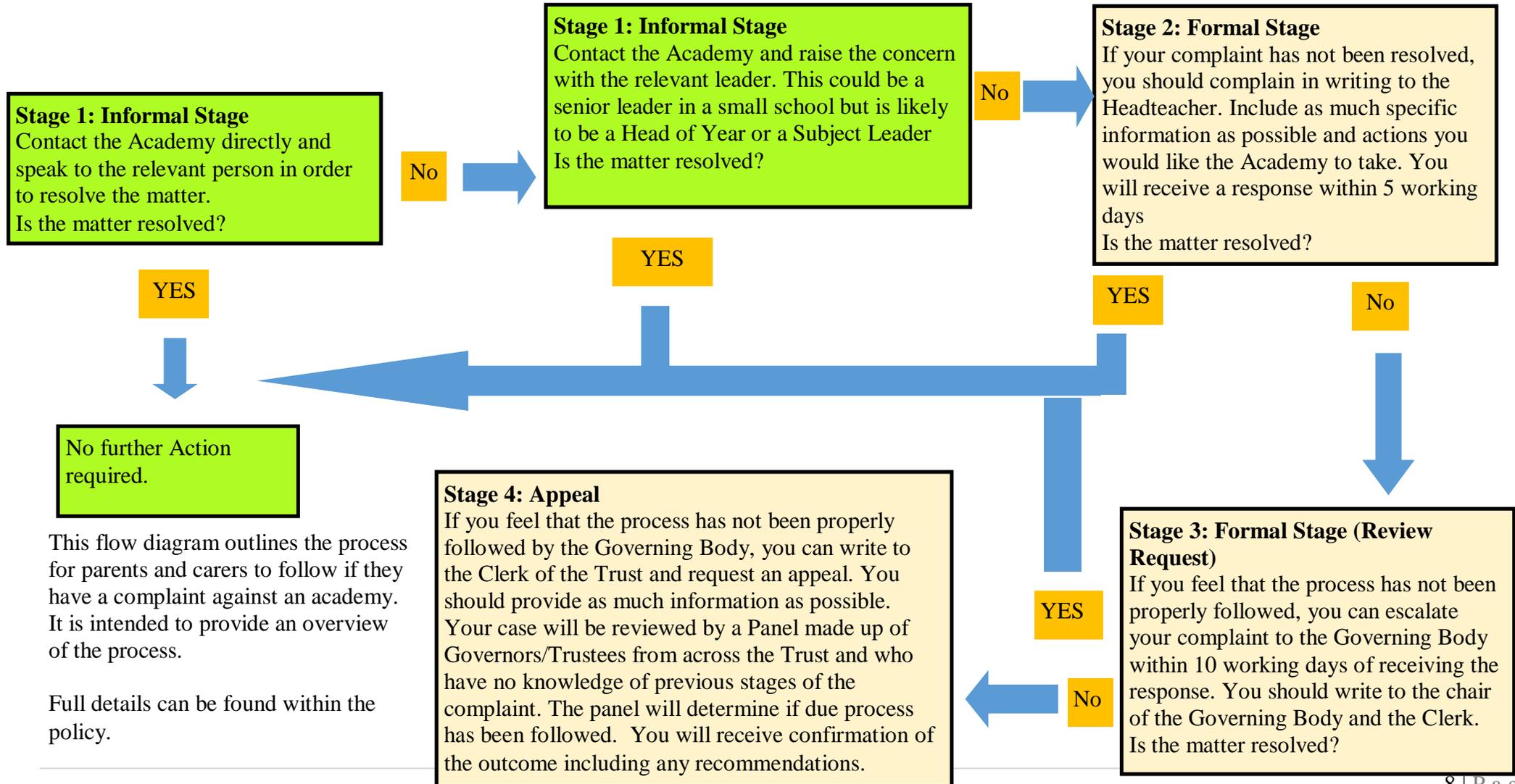
8.1 The Trust Board will review this policy at least every three years and assess its implementation and effectiveness. The policy will be promoted and implemented throughout the Trust and its academies.

9.0 Complaining to the Department of Education

9.1 If a complaint is felt to be unresolved by the party raising the complaint it can be referred to the Department for Education. Guidance on how to follow this process is published on the Department for education website. <https://www.gov.uk/complain-about-school/state-schools>

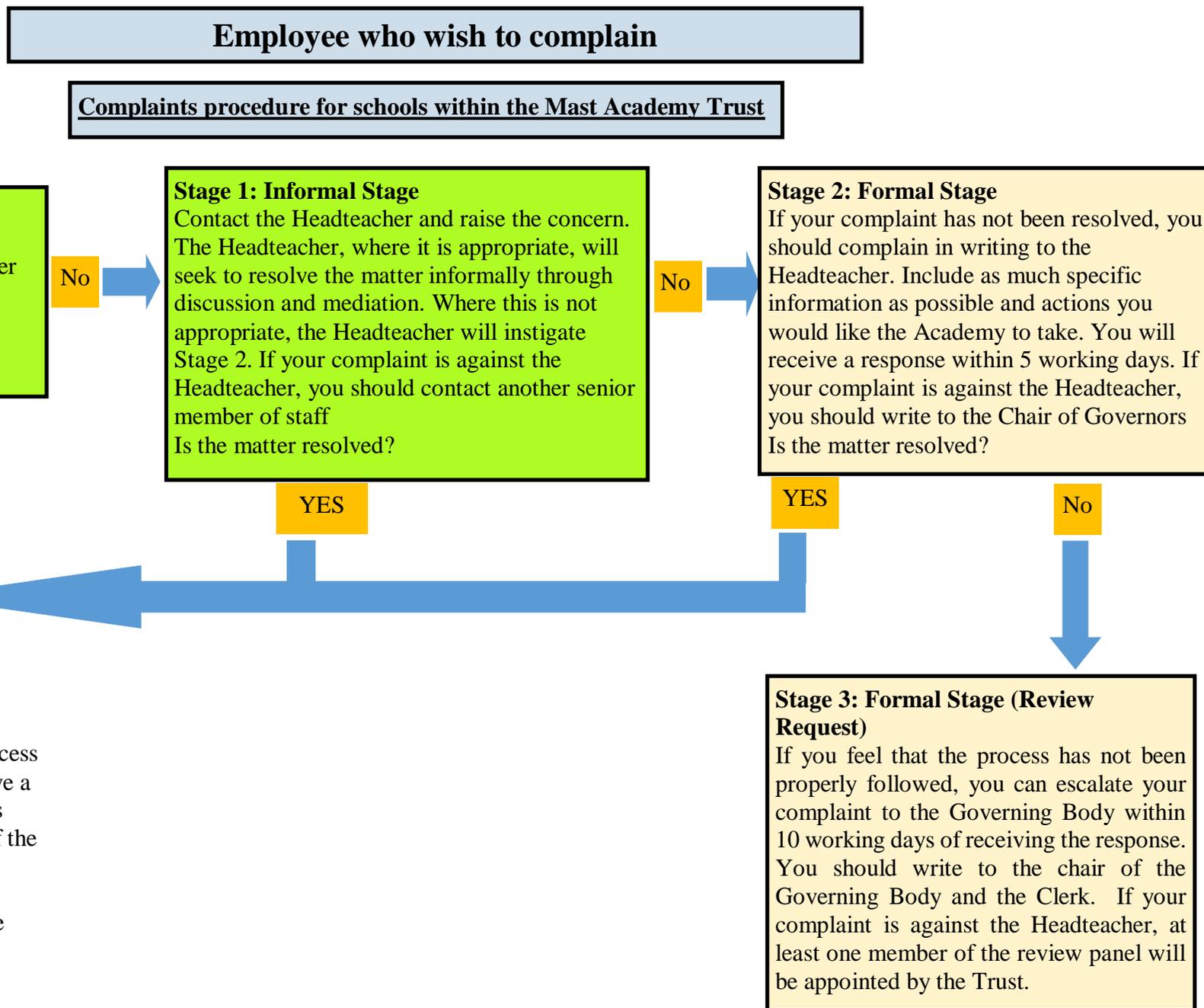
Parents and Carers who wish to complain about an Academy

Complaints procedure for schools within the Mast Academy Trust



This flow diagram outlines the process for parents and carers to follow if they have a complaint against an academy. It is intended to provide an overview of the process.

Full details can be found within the policy.



This flow diagram outlines the process for employees to follow if they have a complaint against an academy. It is intended to provide an overview of the process.

Full details can be found within the policy.

(Appendix 4)

Handling Complaints

Please attach hand written original notes, which are dated and signed where possible

Insert name/role to complete Initial assessment/first evidence trawl

Name of the person making the complaint/expressing concern:

.....

Relationship to Academy:

.....

Date of the complaint/concern:

How complaint was received:

The nature of the allegation/concern

--

Date: Time:

Place/location of incident:

Date of alleged incident: Time:

.....

Student involved: Form:

Student witnesses named by complainant:

.....

.....

Staff involved:

.....

Student(s) to be interviewed:

.....

.....

Statements attached, dated and signed tick

CCTV to be checked tick

Camera no: Date: Time:

Copy DVD made: Yes / No

Description of CCTV footage

Staff to be interviewed:

.....

Staff statements to be obtained:

.....

.....

Further investigations required: Yes / No

Child Protection referral: Yes / No

Investigators' comments:

Pass to the Headteacher and Outline/summarise the facts obtained:

Signed:

Date:

Headteacher's Decision

Further investigation/action to be taken: YES / NO

If yes; by:

Headteacher signed: Date:

Further investigation, follow up and outline action taken with.....

Complainant

- Letter sent?
- Meeting held?

Student(s)

- Unfounded or malicious allegation? Referral to social care?

Staff

- Disciplinary meeting/outcome? - Referral to ISA if dismissal

Signed: Date:

A copy of all records must be forwarded to the CEO

(Appendix 5)

The Remit, roles and responsibilities of the Governing Body Complaints Panel

The remit of the Governing Body Complaints Panel

The 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 academy's systems or procedures to ensure that problems of a similar nature do not recur.

Individuals sitting on a complaints panel will note and consider the following:

- a. It is important that the appeal hearing is independent and impartial and that it is seen to be so. No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, governors need to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation, the panel will also include at least one member who is independent to the management and running of the Academy.
- b. The aim of the hearing, which needs to be held in private, i.e. only panel members and clerk to governors present, will always be to resolve the complaint and achieve reconciliation between the academy and the complainant. However, it is recognised the complainant might not be satisfied with the outcome of the hearing.
- c. An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone, and care is needed to ensure the setting is informal and not adversarial.
- d. When dealing with a complaint involving a minor, consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.
- e. Individuals sitting on the panel need to be aware of the complaints procedure.

Roles and Responsibilities:

The person in charge of co-ordinating the complaints procedure at the academy is the Headteacher. The role of Governors arises only in respect of appeals where the complainant remains dissatisfied with attempts to resolve the complaint as above.

(A) The clerk to the Governing Body/Trust is the contact point for the complainant and is required to;

- Set the date and time of the hearing, ensuring the dates are convenient to all parties and that the venue and proceedings are accessible.
- 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
- Arrange for a record to be made of the proceedings
- Notify all parties of the panel's decision

(B) The role of the Chair of the Governing Body (or the Nominated Governor)

The nominated governor role:

- check that the correct procedure has been followed;
- if a hearing is appropriate, notify the clerk to arrange the panel;

(C) The role of the Chair of the Panel

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

- an explanation of the panel is delivered to the parties. Ensuring that each party has the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents and others who may not be used to speaking at such a hearing are put at ease;
- 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;
- each side is given the opportunity to state their case and ask questions;
- written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

Checklist for a Panel Hearing

- 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 Headteacher may question both the complainant and the witnesses after each has spoken.
- The Headteacher is then invited to explain the academy's actions and be followed by the academy's witnesses.
- The complainant may question both the Headteacher 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 Headteacher is then invited to sum up the academy'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 timescale