



## **COMPLAINTS POLICY**

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## **DELTA ACADEMIES TRUST**

### **COMPLAINTS POLICY**

#### **1. ROLES AND RESPONSIBILITIES**

- 1.1 This policy and procedure applies to all employees of Delta Trust Academies (Delta). Throughout this document, the term 'Principal' refers to the Principal or Head of Academy and 'Senior Leader' refers to the Senior Department Head within the Core Team.
- 1.2 This policy has been approved by the Delta Board of Directors. The responsibility for the implementation of this policy rests with the Principal' Head of Academy in Academies and with Senior Leaders within Core Improvement Team.

#### **2. SUGGESTED AUDIENCE**

- 2.1 All employees, children, parents and wider stakeholders.
- 2.2 As part of their induction or professional development, all relevant staff will participate in training which enables them to apply the principles and procedures defined in this policy.

#### **3. GENERAL PRINCIPLES**

- 3.1 The aim of this policy and accompanying procedure is to achieve a fair, effective and speedy resolution of employee and stakeholder concerns relating to the Academy, or to the services that it provides.
- 3.2 An anonymous concern or complaint will not be investigated under this procedure, unless there are exceptional circumstances.
- 3.3 To enable a proper investigation, concerns or complaints should be brought to the attention of the Academy, as soon as possible. In general, any matter raised more than 3 months after the event, being complained of, will not be considered, though cases may be considered outside this timescale if exceptional circumstances apply.

#### **4. AVAILABILITY OF THE COMPLAINTS AND PROCEDURE**

- 4.1 This policy and procedure is available via Delta website and also via individual Academy websites. If pupils or students raise concerns and complaints under this policy and procedure, the Academy will involve parents/carers. Copies of the Complaints Policy are available from the Principal at each Academy and from:

The Executive Officers' Assistant  
Delta Academies Trust  
Education House  
Spawd Bone Lane  
Knottingley  
West Yorkshire  
WF11 0EP

Tel: 0345 196 0033

## 5. SCOPE

5.1 This policy and procedure is for the benefit of students and stakeholders. This policy and procedure will be applied to all stakeholder complaints, except in the cases summarised below:

Exceptions	Whom to contact
Admissions to school	Admissions authority – details will be provided on the admission sections of the relevant academy website. Please contact the academy if you cannot access the information on the website.
Statutory assessments of Special Educational Needs	Local Authority carrying out the assessment
Matters likely to require a Child Protection investigation	Designated Safeguarding Lead at the relevant Academy or via the relevant Local Children’s Safeguarding Board – please see the safeguarding section on the relevant Academy website. Please contact the Academy if you cannot access the information on the website
Exclusion from school	Parents and carers may use Academy procedures to challenge permanent exclusions and fixed term exclusions. Details of the processes to follow will be provided in the documentation provided at the time of the exclusion. In the event of queries please contact the Academy for further details
Whistleblowing	A copy of the whistleblowing policy is on the academy website or please contact the academy if you cannot access the information on the website.
Staff grievances and disciplinary procedures	The Trust has staff grievance and discipline policies and procedures and a code of conduct in place. Complainants are not informed of the outcomes of actions under these procedures
Complaints about services provided by external bodies using a school’s premises or facilities.	Providers should be contacted directly and have their own procedures for such eventualities
Appeals relating to internal assessment decisions for external qualifications	Separate appeals procedures apply – please contact the Academy for further details

5.2 Delta expects that most concerns will be resolved informally and will use its best endeavours to resolve any concerns or requests for clarification that are raised on that basis.

5.3 If informal procedures fail to resolve the issue, a formal complaint about any matter not relating to the matters outside the scope of the policy as outlined above, must be given verbally or in writing:

- to the Principal or EAB Chair for Academy related issues
- to the Executive Officers’ Assistant using the [info@deltatrust.org.uk](mailto:info@deltatrust.org.uk) email address or in hard copy to the address above.

5.4 Correspondence, statements and records will remain confidential unless disclosure is required in the course of the Academy's inspection or where any other legal obligation prevails.

## 6. COMPLAINTS PROCEDURE

6.1 Delta's complaints procedure will:

- Encourage resolution of problems by informal means wherever possible
- Be easy to obtain and clearly publicised
- Be simple to understand and use
- Be impartial
- Be non-adversarial
- Allow swift handling with clear time-limits for action and keep 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's Education Advisory Body and Principal so that services can be improved.

6.2 Delta 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. 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, requested via the school office. Many concerns can be resolved by simple clarification or the provision of information and it is anticipated that most issues will be resolved by this approach.

## 7. STAGES IN OUR COMPLAINTS POLICY

### 7.1 Stage One - Informal Resolution

- 7.1.1 It is hoped that most concerns and complaints will be resolved quickly and informally.
- 7.1.2 The main contact person for each complainant will be the appropriate responsible person. The appropriate responsible person will be determined by the relevant Principal, EAB Chair or Executive Leadership Team member. In most cases, the matter should be resolved quickly by this means. If the appropriate responsible person cannot resolve the matter satisfactorily, it may be necessary for him/her to consult other staff.
- 7.1.3 The appropriate responsible person will make a written record of all concerns and complaints and the date on which they were received. They will inform other relevant colleagues, including the relevant Executive Leadership Team member on the day of receiving any concern or complaint. This record will be kept for **one (1)** year after the individual leaves the organisation.
- 7.1.4 Delta and its academies will use their reasonable endeavours to resolve any informal complaint within **ten (10) working days** of it being raised. We will seek to resolve

internal complaints as quickly as possible.

- 7.1.5 Should the matter not be resolved, or in the event that the appropriate responsible person and the complainant fail to reach a satisfactory resolution, then the complainant will be advised to proceed with their complaint in accordance with Stage Two of this Procedure.

## 7.2 Stage Two – Formal Resolution

- 7.2.1 If the complaint cannot be resolved on an informal basis then the complainant should put their complaint in writing to the Principal, EAB Chair or relevant Executive Leadership Team member. Complainants should also outline how they wish their complaint to be resolved.
- 7.2.2 If the complaint is about the Principal/Head of Academy, the complaint should be passed to the Clerk to the Education Advisory Body, for the attention of the Chair.
- 7.2.3 Complainants should include details which might assist the investigation, such as names of potential witnesses, dates and times of events, copies of relevant documents and a clear statement of the actions that you would like the Academy to take to resolve the issue.
- 7.2.4 A Complaint Form is provided at Appendix 1 which should be completed and returned in a sealed envelope to the school office. If you are unable to complete the form yourself, please contact us so we can help to make alternative arrangements.
- 7.2.5 The Principal, EAB Chair or Executive Leadership Team member will normally delegate responsibility for undertaking an investigation of the complaint to an appropriate member of their team unless he/she deems it appropriate for him/her to deal with the matter personally.
- 7.2.6 The Principal, EAB Chair or Executive Leadership Team member will decide, after considering the complaint, the appropriate course of action to take.
- 7.2.7 In most cases, the Principal, EAB Chair or Executive Leadership Team member will meet or speak to the complainant concerned to discuss the matter. If possible, a resolution will be reached at this stage.
- 7.2.8 The Principal, EAB Chair or Executive Leadership Team member will use reasonable endeavours to speak to or meet complainants within **ten (10) working days** of the formal complaint being received. When the complaint is received in Academy holidays, the **ten (10) working days** will be counted from the start of the following school term.
- 7.2.9 It may be necessary to carry out further investigations.
- 7.2.10 A written record of all meetings, interviews and telephone conversations held in relation to the complaint will be kept. All stages of the process should be documented in a single file. All such records are subject to the Freedom of Information and Data Protection Acts. Content should be factual and objective.
- 7.2.11 Once the Principal, EAB Chair or Executive Leadership Team member is satisfied that, so far as is practicable, all of the relevant facts have been established, a decision will be made. Complainants will be informed of this decision in writing and reasons for the decision will be given. This written decision should be provided no later than **ten (10) working days** after speaking to or meeting the complainant. The Principal, EAB Chair or Executive Leadership Team member may also arrange to meet with complainant to

explain the decision.

- 7.2.12 A confidential written record of all formal complaints, including records of meetings and interviews held in relation to the complaint, and the decision reached, will be kept for **one (1) year** after the individual leaves the organisation.
- 7.2.13 If a complainant is dissatisfied with the response to their formal complaint, they have the opportunity to have their complaint considered by a Stage Three Appeal.

### 7.3 Stage Three – Appeal

- 7.3.1 If a complainant is dissatisfied with the Principal, EAB Chair or Executive Leadership Team member's decision in respect of their formal complaint, they may request that their complaint be further considered by a Stage Three Appeal. This request must be made in writing addressed to the Principal for Academy related issues or to the relevant Executive Leadership Team member for Delta issues.
- 7.3.2 Complainants must lodge their appeal in writing and within **ten (10)** working days of the date of the Stage Two decision. Complainants should provide details of the complaint made and the reasons why they believe the complaint has not been resolved by the Stage Two Procedure. Complainants should also outline how they wish their complaint to be resolved.
- 7.3.3 The Stage Three appeal is only obliged to consider the complaint(s) lodged in the 'initial submission' although they may use their discretion to consider other relevant and related matters that may subsequently arise.
- 7.3.4 When a request to move to Stage Three of this process is received by the Principal, EAB Chair or Executive Leadership Team member, a stage three appeal will be arranged as soon as possible to consider the matter. This will normally be no later than **twenty (20)** school days after receipt of the request. However, timing will depend upon the availability of the stage three appeal members.
- 7.3.5 For Academy related complaints, the Stage Three Appeal will consist of two Education Advisory Body members who have not previously been involved with the complaint and one person independent of the management and running of the school. This may be an EAB member from another Delta Academy. For Delta complaints, the Stage Three Appeal will consist of the Chief Executive and a member of the Executive Leadership Team, who has not previously been involved with the complaint. The Academy/Delta Core Team will inform complainants in writing, that they can attend the panel hearing and, if they wish, be accompanied.
- 7.3.6 At the conclusion of the Stage Three hearing, a decision on the response to the complaint will be taken. Complainants will be informed of this decision, the reasons for it and any recommendations made, in writing. This written decision should be provided no later than **ten (10)** working days after the Stage Three Appeal.
- 7.3.7 The Stage Three Appeal's findings will be sent to:
- the complainant
  - the Education Advisory Body
  - the Delta Board of Directors via [governance@deltatrust.org.uk](mailto:governance@deltatrust.org.uk)
  - where relevant, the person complained about.
- 7.3.8 A secure and confidential record of all complaints, decisions and findings will be kept for **one (1) year** after the individual leaves the organisation. All records will be made

available for inspection and indicate whether the complaint was resolved at the preliminary stage or proceeded to a panel hearing.

#### 7.4 **Stage Four – Appeal (Academy complaints only)**

7.4.1 For Academy related complaints only, following completion of the stage three appeal, complainants may refer their complaint to Delta.

7.4.2 Complainants must refer their complaint to Delta in writing and within **ten (10)** working days of receipt of the findings of the Stage Three Hearing. Complainants must provide details of the complaint made and the reasons why they believe the complaint has been unresolved by the Stage Three Procedure, along with the solutions suggested to resolve the complaint.

7.4.3 The Stage Four Panel will consider whether the Academy has complied with the complaints procedure. The Panel will be made up of the Chief Executive Officer of Delta and one other member of the Board of Directors. The Panel will be arranged as soon as possible to consider the matter, normally no later than **twenty (20)** school days after receipt of the request, dependent upon the availability of the Stage Four Panel members.

7.4.4 At the conclusion of the Stage Four Panel, a decision on the response to the complaint will be taken. Complainants will be informed of this decision, the reasons for it and any recommendations made, in writing. This written decision should be provided no later than **ten (10)** working days after the Stage Four Panel meeting.

7.4.5 The Stage Four Panel's findings will be sent in writing to:

- the complainant
- the Education Advisory Body
- the Academy Principal
- where relevant, the person complained about.

#### 8. **PROCEDURES FOR HANDLING UNREASONABLY PERSISTENT, HARASSING, VEXATIOUS, UNREASONABLE OR ABUSIVE COMPLAINTS**

8.1 The Principal/ Head of Academy, Education Advisory Body (EAB) and ELT are committed to the improvement of our Academies. We welcome feedback from parents/carers and will always try to resolve any concerns, requests for clarification or complaints as quickly as possible.

8.2 Sometimes, however, parents or carers pursuing complaints or other issues treat staff and others in a way that is unacceptable and or behave in an unacceptable manner. Whilst we recognise that some complaints may relate to serious and distressing incidents, we will not accept threatening, inappropriate or harassing behaviour.

#### 8.3 **What do we mean by 'an unreasonable complainant'?**

8.3.1 An unreasonable complainant may be anyone who engages in unreasonable behaviour when making a complaint. This will include parents and carers who pursue complaints in an unreasonable manner and those who do not act in an appropriate manner towards staff at the Academy or Trust.

Unreasonable behaviour may include:

- Actions which are:



- out of proportion to the nature of the complaint, or
  - persistent – even when the complaints procedure has been exhausted, or
  - personally harassing, or
  - unjustifiably repetitious or
  - obsessive, harassing, or prolific.
- An insistence on:
    - Pursuing unjustified or unmeritorious complaints and/or
    - pursuing justifiable complaints in an unreasonable manner e.g. using abusive or threatening language; or
    - making complaints in public or sharing information relating to the complaint, staff, pupils, the Trust or the Academy inappropriately on social media; or
    - refusing to attend appointments to discuss the complaint; or
    - unrealistic outcomes to unjustified complaints.

#### 8.4 What can you expect from us?

8.4.1 Anyone who raises informal or formal concerns, issues or complaints can expect us to:

- follow the Trust's complaints procedure;
- respond within a reasonable time;
- be available for consultation within a reasonable time limit, bearing in mind the needs of pupils at the Academy and the nature of the complaint;
- respond with courtesy and respect;
- attempt to resolve problems using reasonable means in line with the Trust's complaints procedure, other policies and practice and in line with guidance from the trust in accordance with the secretary of state's legislation and guidance for academies;
- keep those involved informed of progress towards a resolution.

#### 8.5 What we expect of you

8.5.1 We expect anyone who wishes to raise concerns to:

- treat all staff with courtesy and respect;
- respect the needs of pupils and staff;
- never to use violence (including threats of violence) towards people or property;
- recognise the time constraints under which members of staff work and allow a reasonable time to respond to a complaint;
- recognise that some problems may not be resolved in a short time;
- follow the Trust's complaints procedure;

- speak politely and respectfully using appropriate language and avoid any aggression or verbal abuse, including name-calling;
- raise concerns/complaints in an appropriate place and at an appropriate time (for example not in front of other parents or pupils and not in an open public space);
- be prepared to work towards a resolution and in partnership.

## 8.6 Responses to unreasonably persistent or vexatious complaints, unreasonable complaints or harassment

8.6.1 In cases of unreasonably persistent complaints or harassment, we may take any or all of the following steps, as appropriate:

- Refer the matter to the relevant member of the Executive Leadership Team.
- Inform the complainant informally that his/her behaviour is now considered to be unreasonable or unacceptable, and request a changed approach.
- Inform the complainant in writing that we consider his/her behaviour to be unreasonable or unacceptable, and request a changed approach
- Require all future meetings with a member of staff to be conducted with a third person present. In the interests of all parties, notes of these meetings may be taken.
- Inform the complainant that, except in emergencies, we will respond only to written communication
- Inform the complainant in writing that his/her behaviour is now considered to fall under the terms of this policy and that any complaint will not be investigated further until it is pursued in a manner we consider to be reasonable
- Place restrictions on the individual's access to Academy and/or staff
- Cease all correspondence and communication with the complainant other than that necessary for the health and safety of any child/adult
- We have a duty of care to staff and pupils and will take emergency measures should these become necessary in extreme cases.

## 8.7 Physical or verbal aggression

8.7.1 The Academy, EAB and Delta Academies Trust will not tolerate any form of physical or verbal aggression or personal harassment against staff. If staff are subject to this type of aggression we may:

- prohibit the individual from entering the relevant site, with immediate effect – this may involve issuing a warning letter or formal section 547 notice under the Education Act 1996.
- This prohibition will be for a fixed period of 13 weeks in the first instance

but may be extended subsequently in 13 week periods;

- inform the individual that communication with them will cease other than in an emergency.

## 8.8 Time frame and Review

- 8.8.1 If a complainant's harassing/persistent behaviour is modified and is then resumed at a later date within a reasonable period of time, we may resume the process identified above.
- 8.8.2 If a complainant's harassing/persistent complaining behaviour is modified and the complaint still lies within the time limit specified within the Trust's complaints policy, we will use our discretion and may resume the investigation of the complaint. We will review as appropriate, and at a minimum of once a year, any sanctions applied in the context of this policy.
- 8.8.3 Legitimate new complaints, if not pursued in a harassing or unreasonable way, will be considered.

## 9. DEPARTMENT FOR EDUCATION

We hope that we will be able to resolve any complaint concerning Delta or its Academies using this complaints procedure. If you feel this is not the case, you can complain to the Education and Skills Funding Agency, which handles complaints about Academies and Free schools. The following link provides guidance on their procedure for dealing with complaints about academies and links to the ESFA complaints form.

[ESFA complaints form](#)

<http://media.education.gov.uk/assets/files/pdf/e/procedure%20for%20complaints%20about%20acads%20-%20version%20sept%202013.pdf>

## 10. MONITORING AND REVIEW

Delta's Executive Leadership Team will review this policy at least every three years and assess its implementation and effectiveness. A summary report of complaints made under the policy will be provided to the Education Advisory Body for Academy related complaints and to the Delta Board of Directors for Delta related complaints on an annual basis. The policy will be promoted and implemented throughout Delta and our Academies.

## APPENDIX 1 - DELTA ACADEMIES TRUST COMPLAINT FORM

Please complete and return to the Executive Officers' Assistant who will acknowledge receipt and explain what action will be taken.

<p>Complainant name:</p> <p>Pupil / student's name (if applicable):</p> <p>Your relationship to the pupil / student (if applicable):</p> <p>Address:</p> <p>Postcode:</p> <p>Daytime telephone number:</p> <p>Evening telephone number:</p> <p>Please give details of your complaint:</p> <p>What action, if any, have you already taken to try and resolve your complaint? (Who did you speak to and what was the response?)</p>
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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 whom:**

**Complaint referred to:**

**Date:**

## APPENDIX 2 – ROLES AND RESPONSIBILITIES

### The Complainant

The complainant or person who makes the complaint will receive a more effective response to the complaint if he/she:

- co-operates with the school in seeking a solution to the complaint;
- expresses the complaint in full as early as possible;
- responds promptly to requests for information or meetings or in agreeing the details of the complaint;
- asks for assistance as needed;
- treats all those involved in the complaint with respect.

### The Appropriate Responsible Person

The appropriate responsible person should:

- ensure that the complainant is fully updated at each stage of the procedure;
- ensure that all people involved in the complaint procedure will be aware of the legislation around complaints including the Equality Act 2010, Data Protection Act 1998 and Freedom of Information Act 2000;
- liaise with staff members, Principal/Head of Academy, Chair of EAB and Clerk to ensure the smooth running of the complaints procedure;
- keep records;
- be aware of issues regarding:
  - sharing third party information;
  - additional support - this may be needed by complainants when making a complaint including interpretation support.

### The Investigator

The Investigator is the person involved in Stages 1 and 2 of the procedure. The Investigator's role can include:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
  - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved;
  - consideration of records and other relevant information;
  - interviewing staff and children/young people and other people relevant to the complaint;
  - analysing information
- effectively liaising with the complainant and the Academy as appropriate to clarify what the complainant feels would put things right;
- identifying solutions and recommending courses of action to resolve problems;
- being mindful of the timescales to respond; and
- responding to the complainant in plain and clear language.

The person investigating the complaint should make sure that they:

- conduct interviews with an open mind and be prepared to persist in the questioning;
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting.

## **The Panel Clerk**

The Clerk is the contact point for the complainant for the panel meeting and is expected to:

- set the date, time and venue of the hearing, ensuring that 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;
- record the proceedings;
- circulate the minutes of the panel hearing;
- notify all parties of the panel's decision;
- liaise with the complaints co-ordinator.

## **The Panel Chair**

The Panel Chair has a key role in ensuring that:

- the meeting is minuted;
- the remit of the panel is explained to the complainant and both they and the Academy have the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents/carers and others who may not be used to speaking at such a hearing are put at ease – this is particularly important if the complainant is a child/young person;
- the hearing is conducted in an informal manner with everyone treated with respect and courtesy;
- the layout of the room will set the tone – care is needed to ensure the setting is informal and not adversarial;
- the panel is open-minded and acts independently;
- no member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- both the complainant and the Academy are given the opportunity to state their case and seek clarity;
- written material is seen by everyone in attendance – if a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the hearing;
- liaise with the Clerk.

## **Panel Member**

Panelists will need to be aware that:

- it is important that the review panel hearing is independent and impartial, and that it is seen to be so no EAB Member may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- The aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it must be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously;
- many complainants will feel nervous and inhibited in a formal setting. Parents/carers often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible;

- extra care needs to be taken when the complainant is a child/young person and present during all or part of the hearing; Careful consideration of the atmosphere and proceedings will ensure that the child/young person does not feel intimidated. If the child/young person is the complainant, the panel should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the panel should give the parent the opportunity to say which parts of the hearing, if any, the child/young person needs to attend. The parent should be advised however that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting which the panel considers not to be in the child/young person's best interests;
- the welfare of the child/young person is paramount.



### APPENDIX 3 – COMPLAINTS FLOWCHART

