

COMPLAINTS POLICY

POLICY ESSENTIAL INFORMATION

Title: Complaints Policy

Identifier: LM_4.4

Date of Last Review: June 2021

Status: Statutory

Committee: Leadership

Leadership Lead: CEO/Principal

Review Process: Every two years

Location: Website

Reviewed and approved: June 2021

COMPLAINTS POLICY

RATIONALE

This policy is intended to set out how the Academy will deal with complaints from parents, students and the public, who should feel able to express their views knowing that they will be dealt with fairly.

This policy does not cover those aspects of Academy life where the law sets specific complaints procedures i.e. admissions and exclusions.

AIMS

This policy aims to provide parents, students and the public with an accessible and easily understood procedure for complaints. The Academy would encourage parents and students to express their views at the earliest opportunity and through the appropriate channels. Parents should be assured that making a complaint will not adversely affect their child.

The Academy will try to resolve every concern, difficulty or complaint in a positive way with the aim of putting right a matter which may have gone wrong and, where necessary, reviewing the Academy's systems and procedures in the light of the matters raised. The Academy expects all parties involved in a complaints procedure to behave in a calm, civil and reasonable manner.

OUTCOMES

Examples of outcomes include:

- There was insufficient evidence to reach a conclusion, so the complaint cannot be upheld;
- The investigation did not substantiate the matters raised, so the complaint cannot be upheld, and is dismissed;
- The complaint was substantiated in part or full. A description should be given of the remedial action being taken by the Academy as a consequence of the complaint;
- The matter has been fully investigated and, as a consequence, further confidential procedures are being pursued.

Financial compensation is not a possible outcome at any stage of this policy.

None of the above will constitute an admission of negligence or an acceptance of liability on behalf of the Academy.

Details of any disciplinary action or sanctions to be taken against a member of staff are strictly confidential and cannot be disclosed.

PROCEDURE

The expectation is that all concerns and difficulties should be dealt with informally under stage 1 in the first instance, via the Academy Customer Services Team who will direct it to the most appropriate member of staff.

The majority of staff have full teaching timetables and therefore may not be able to respond to queries immediately. However, if an acknowledgement is not received within **24 hours** the Academy should be contacted on the main telephone number. Any emails should be directed to Divisional Assistant Principals or Divisional Principals rather than a specific teacher/member of staff, to ensure that the query is addressed promptly.

The Academy reserves the right (in exceptional cases only) to consider the complaint as misconceived or otherwise unreasonable. Section 6 of this policy gives further details.

All complaints should be made in accordance with this policy. This includes complaints from parents / carers in relation to students with SEN needs.

Stage One - Informal Complaint

- 1.1. On many occasions, minor concerns can be resolved through the appropriate member of staff. The concerns and any action taken will be logged in the student file with the Grade Leader. Where a general concern is raised by a member of the public, records of the concern and any action taken will be held with the Human Resources team.
- 1.2 If the person first contacted cannot deal with the concern immediately or is not the most appropriate person to deal with it, they will refer the matter to the appropriate Director of Learning or a Senior Leader available at the time. The Complainant can also request that their concern is referred to a specific member of staff (as above) whilst still keeping the matter at this informal stage.
- 1.3 If the complaint relates to the CEO / Principal, the Complainant should contact the Chair of the Local Advisory Board in writing via email or letter. The Chair of the LAB, will investigate the complaint under stage 2 of this policy instead of the CEO / Principal.
- 1.4 Complaints made informally to the LAB, or a complaint that has not progressed through the stages in accordance with this policy will be referred back to the Academy via the Chair of the LAB, and will be dealt with as appropriate under this policy.
- 1.5 The person dealing with the complaint must make clear to the Complainant what action or monitoring of the situation will take place. Where appropriate, this will include what action will be taken in response to the concern and could include an explanation, a specific outcome, an apology, or a revision of procedure. This will only be put in writing to the Complainant if it seems the best way of making points clear.
- 1.6 Where no satisfactory solution has been found, or if the member of staff considers the concerns raised should be dealt with as a formal complaint immediately, the Complainant will be advised that they should put their complaint in writing to the CEO / Principal under Stage 2 of this policy.

Stage Two - Formal Complaint to the Principal / CEO

- 2.1 Formal complaints under Stage 2 should be made in writing to the CEO / Principal. The Complainant should clearly set out the nature of the complaint and if appropriate explain how they would like to see the matter resolved.

Where the complaint is about the CEO / Principal, the Chair of the LAB will deal with the complaint under this stage, and may appoint an independent Investigating Officer to work on their behalf.

- 2.2 In appropriate cases, the CEO / Principal may delegate the complaint to a member of the Senior Leadership Team to act as their designate, and/or appoint an Investigating Officer.
- 2.3 At this stage a central record will be kept of the complaint via reporting to the Human Resources who will add to the central complaints log. All documentation including a record of its outcomes will be kept by the CEO / Principal or their designate.
- 2.4 The CEO / Principal (or designate) will acknowledge the complaint in writing within **3 school days** of receiving the written complaint. The acknowledgement will give a brief explanation of the procedure for dealing with complaints as outlined in this policy, and confirm a date for providing a response. This will normally be within **10 school days**. If it is not possible to comply with this time limit, a letter will be sent to the Complainant explaining the reason for the delay and giving a revised target date. Where the complaint is received during a school holiday or within 10 school days from the end of a term or half term, the CEO / Principal will endeavour to expedite the investigation wherever possible.
- 2.5 The CEO / Principal (or designate) may (but does not have to) provide an opportunity for the Complainant to meet with them to supplement any information provided. The Complainant may, if he or she wishes, be accompanied at any meeting by a friend or relative, who can speak on his or her behalf, and he or she will be asked if he or she has any special requirements that the Academy need to be aware of, for example wheelchair access, signing, etc. This meeting may result in an agreed outcome, which the Academy will confirm in writing and the complaint would then be considered resolved.
- 2.6 The CEO / Principal, or designate, will be provided with any documentation from Stage 1 (if applicable), and will then proceed to investigate the complaint. The CEO / Principal (or designate) will interview witnesses and take statements from those involved. If the complaint centres on a student, the student may also be interviewed. Students will normally be interviewed with parents or carer present. In some situations, circumstances may prevent this, for example where this would seriously delay the investigation of a serious or urgent complaint, or where the student has expressly stated that they would prefer that their parents or carers were not involved. In such circumstances, another member of staff with whom the student feels comfortable will be asked to attend.

If a member of staff is the subject of the complaint, that member of staff will be given the option of having another member of staff or union representative present when they are interviewed.

- 2.7 The CEO / Principal (or designate) must keep a written record of any meetings or telephone conversations, and must retain any other relevant documentation. Students or members of staff interviewed will be asked to read, sign and date the written record to confirm that it is accurate. In the case of students, the adult present at the meeting will also be asked to sign and date the record of the conversation.
- 2.8 If the investigation has been carried out by an Investigating Officer, they will summarise their findings in a report for the CEO / Principal (or designate). Appendices to this report will include notes from meetings and all other relevant documentation.
- 2.9 Once all of the relevant facts have been established, the CEO / Principal (or designate) will provide a written response to the Complainant, and may (but does not have to) meet with the Complainant to discuss or resolve the matter directly. Again, the Complainant can be accompanied at any such meeting, as outlined above.
- 2.10 The written response will set out the individual matters raised by the Complainant, the findings made by the CEO / Principal, or designate, during the course of the investigation, and the conclusion reached.

Where appropriate, this will include what action will be taken in response to the complaint and could include an explanation, a specific outcome, an apology, or a revision of procedure. The letter will inform the Complainant that, if they are unsatisfied with the outcome of the Stage 2 investigation, they should write to the Chair of the LAB within **10 school days** of receipt of the letter to request that his or her complaint and the Stage 2 investigation be reviewed by the Chair of the LAB under Stage 3 of this Complaints Policy.

Stage Three – Review by the Chair of the LAB

- 3.1 A request for a review of the Stage 2 decision by the Chair of the LAB should be made in writing within **10 school days** of receipt of the outcome letter. If the complaint is about the CEO / Principal or the Chair of the LAB, please refer to paragraphs 3.8 and 3.9.
- 3.2 The Complainant should not repeat the matters raised in their original letter or attach documentation already provided, but should clearly set out how and why the Complainant does not accept the findings made under Stage 2, and how the Complainant feels this matter could be resolved.
- 3.3 The Chair of the LAB will acknowledge the request in writing within **5 school days** of receipt. The letter will give a brief explanation of the review procedure as outlined in this policy, and confirm a date for providing a response. This will normally be within **20 school days**. If it is not possible to comply with this time limit, a letter will be sent to the Complainant explaining the reason for the delay and giving a revised target date.
- 3.4 The Chair of the LAB will be provided with all relevant paperwork relating to the complaint. The Chair should focus on deciding whether the findings and conclusion under Stage 2 were reasonable, making specific reference to any points raised by the Complainant. Should the

Chair require further clarification, he may (but does not have to) speak to the Complainant, students (who will be accompanied, as outlined above), or members of staff during the course of his or her review.

- 3.5 The Chair of the LAB must keep a written record of any meetings or telephone conversations, and must retain any other relevant documentation. Students or members of staff interviewed will be asked to read, sign and date the written record to confirm that it is accurate. In the case of students, the adult present at the meeting will also be asked to sign and date the record of the conversation.
- 3.6 Once the review has been completed, the Chair of the LAB may (but does not have to) meet with the Complainant to discuss or resolve the matter directly. The Complainant can be accompanied at any such meeting, as outlined above.

This meeting may result in an agreed outcome, which the Chair will confirm in writing and the complaint would then be considered resolved.

- 3.7 The Chair of the LAB will provide a written response which will set out whether he agrees with the findings and conclusion under Stage 2, and give reasons, as well as responding to any concerns about the Stage 2 investigation.

Where appropriate, this will include what action will be taken to resolve the complaint and could include an explanation, a specific outcome, an apology, or a revision of procedure.

The letter will inform the Complainant that, if they are unsatisfied with the outcome of the Stage 3 review, he or she should write to the Chair of the LAB within **10 school days** of receiving the outcome letter to request a Complaint Panel Hearing.

- 3.8 Where the complaint is about the CEO / Principal, and the Chair of the LAB has dealt with the complaint at Stage 2, the Complainant should ignore Stage 3 and write to the Chair of the LAB within **10 school days** of receiving the stage 2 outcome letter to request a Complaint Panel Hearing.
- 3.9 Where the complaint is about the Chair of the LAB, and the CEO / Principal has dealt with the complaint at Stage 2, the Complainant should ignore Stage 3 and write to the Chair of the LAB within **10 school days** of receiving the stage 2 outcome letter to request a Complaint Panel Hearing.

Stage Four - Complaint Panel Hearing

- 4.1 If the Complainant is unsatisfied with the outcome of the review under Stage 3 of this Complaints Policy, the Complainant may write to the Chair of the LAB requesting a Complaint Panel Hearing. The Complainant should write to the Chair of the LAB within **10 school days** of receiving the letter confirming the outcome following Stage 3.
- 4.2 The Complainant should not repeat the matters raised in their original letter or attach documentation already provided, but should clearly set out how and why he or she does not accept the findings made under Stages 2 and 3.

- 4.3 The Chair of the LAB will write to the Complainant to acknowledge receipt of the request within **5 school days** of receiving the letter. The letter will inform the Complainant that the complaint will be heard by the Complaint Panel within **20 school days** of receiving the request. The letter will also confirm that the Complainant has the right to submit any further documents relevant to the complaint and request the attendance of witnesses on their behalf. The letter will ask for any such documents and/or information about witnesses to be sent to the Chair of the LAB within **5 school days** of receipt of the acknowledgement letter.
- 4.4 If the Complainant wishes to rely on the account of a witness, they should ask the witness to write down, sign and date their account. This should be included in the documentation forwarded to the Chair of the LAB. Any written accounts provided by the Complainant from witnesses under the age of eighteen must be signed and dated by the witness **and** one of the witnesses' parents or carers.
- The Complainant should also provide, within 5 school days as above, the names of any witnesses they would like to attend the hearing to give a verbal statement, stating why their attendance is required. The Chair of the Complaint Panel reserves the right to make the final decision about who may or may not attend the panel hearing.
- Where a witness has previously given a written account which is largely undisputed, the Chair may decide in advance that they do not need to attend the Complaint Panel Hearing to give a verbal statement.
- 4.5 The Chair of the LAB will make arrangements to convene the Complaint Panel within **20 school days** of receiving the request. The panel will consist of three members who will have had no involvement in the subject matter of the complaint, no involvement in dealing with the complaint in the previous stages, and no detailed knowledge of the complaint. One of the members of the Complaint Panel will be independent of the running and management of the Academy (i.e. they will not be a Governor of the LAB, or an employee of either the Academy or management team of the Academy, but may be a senior member of staff or a governor at another academy within GEMS). The Chair will ask the members of the panel to decide who will act as Chair of the panel.
- 4.6 The Chair of the LAB will write to the Complainant, the Academy representative, any relevant witnesses and the Complaint Panel informing them of the date, time and venue of the Complaint Panel Hearing as soon as possible, but at least **5 school days** in advance. The letter to the Complainant will inform him/her of the names of the complaint panel members and their roles, and confirm that he or she also has the right to be accompanied by a friend or relative for support, and an interpreter or signer if necessary. The letter will also explain how the Complaint Panel Hearing will be conducted and will include the details of the procedure to be followed at the meeting.
- 4.7 All relevant correspondence and documentation regarding the complaint will be provided to the Complainant and the Complaint Panel at least **5 school days** prior to the Complaint Panel Hearing. This should include all letters and relevant documentation/witness statements from stage 2 onwards.

- 4.8 The Academy will be represented at the Complaint Panel Hearing by the person who dealt with the complaint in the previous stage. This will usually be the Chair of the LAB, unless the complaint is about the Chair of the LAB, in which case the Academy will be represented at the Complaint Panel Hearing by the CEO / Principal.
- 4.9 Members of staff involved in the matters which gave rise to the complaint will usually have provided a signed written account or have signed a note of a meeting during the previous stages. These will be forwarded to all parties with the other complaint documentation in the usual way and members of staff will not usually be required to attend the Complaint Panel Hearing to give a verbal statement. Witnesses under the age of eighteen will only be allowed to attend the Complaint Panel Hearing at the discretion of the Chair of the Complaint Panel, and then only if they are accompanied by one of their parents or carers.
- 4.10 The Complainant's and the Academy's witnesses will only attend the Complaint Panel Hearing for that part of it where they give their verbal statements and answer questions. They will be asked to remain outside at all other times.
- 4.11 The Chair of the Complaint Panel will record the minutes of the Complaint Panel Hearing, however the proceedings will be kept as informal as possible with the main aim being to achieve reconciliation between the Complainant and the Academy. More detailed information about the Complaint Panel Hearing can be made available upon request.
- 4.12 After the Complaint Panel Hearing has closed, the Complaint Panel will meet in private to discuss the complaint. The Complaint Panel's decision will be confirmed in writing within **10 school days**.
- 4.13 The Complaint Panel will make **findings of fact**, namely they will decide on a balance of probabilities (i.e. more likely than not) which facts they accept and which they reject. The Complaint Panel will then decide what **recommendations** to make, if any. These may include recommendations aimed at achieving reconciliation between the Complainant and the Academy, or recommendations for the Academy to follow aimed at improving the Academy's procedures or preventing a recurrence of the events which led to the complaint. The Complaint Panel will make a written record of their findings of fact and recommendations, if any. If no recommendations are made, this will also be recorded.
- 4.14 The Complaint Panel will write to the CEO / Principal (in all cases, whether or not the CEO / Principal represented the Academy), the Chair of the LAB (if they represented the Academy) and, where relevant, any persons complained about, confirming their **findings of fact** and **recommendations** within **10 school days** of the Complaint Panel Hearing. The letter will identify each of the issues complained about, summarise how the Complaint Panel Hearing proceeded, and confirm each of the Complaint Panel's findings of fact and recommendations, if any, with reasons. The letter will also confirm that, if the Complainant believes that this Complaints Policy does not comply with the Regulations, or that the Academy has not followed the procedure outlined in this Complaints Policy, the Complainant may refer their complaint to the KHDA for further consideration.
- 4.15 The Clerk to the Complaint Panel will ensure that a record of the Complaint Panel's **findings of fact** and **recommendations** is kept on the Academy's premises and is available for

inspection by the LAB and the CEO / Principal.

5. Referral to the KHDA

- 5.1 If a Complainant is not satisfied that the Academy's Complaints Policy complies with regulations governing academies, or that the Academy has followed the procedure outlined in this policy correctly, or that the Academy has acted unlawfully, or failed to comply with a contractual duty imposed by the KHDA
- 5.2 The KHDA will not usually review or overturn decisions made by academies about a complaint. They will usually only investigate whether the Academy considered the complaint appropriately.

6. Misconceived or otherwise unreasonable complaints

- 6.1 The Academy reserves the right (in exceptional cases only) to write to the Complainant informing them that their complaint is regarded as misconceived or otherwise unreasonable and that the Academy's complaints procedure will not be followed. The sections below detail complaints which may be considered as misconceived or otherwise unreasonable.
- 6.2 **Vexatious or Repeated Complaints**
A complaint which has been considered under all stages of this procedure and is raised again, may be defined as a repeated complaint by the Academy. Unreasonable persistent complaints, trivial complaints, and/or complaints that do not affect the Complainant may be regarded as vexatious by the Academy.
- 6.3 **Late Complaints**
Where a complaint is submitted more than 3 months after the incident or event (or where the complaint relates to a series of incidents or events, more than 3 months from the date of the latest incident or event), it may be regarded as unreasonable by the Academy.
- 6.4 In any of the above cases, the Complainant is entitled to write to the Chair of the LAB asking for him or her to review the decision to regard the complaint as misconceived or otherwise unreasonable. The Chair of the LAB will respond to such a request within **10 school days** of receiving it confirming the outcome of his or her review. The Chair of the LAB will **not** investigate the complaint itself during this review.
- 6.5 If the Chair of the LAB quashes the decision not to investigate the complaint, it will be referred to the Academy to be dealt with under this Complaints Policy in the usual way. If the Chair of the LAB upholds the decision not to investigate the complaint, the Complainant may refer the concern or complaint to the KHDA using the procedure stated in section 5 of this policy.
- 6.6 **Anonymous or Fictitious Complaints**
The Academy will not investigate anonymous complaints, or those found to be fictitious, under the procedure in this Complaints Policy. Anonymous or fictitious complaints will be referred to the CEO / Principal who will decide what, if any, action should be taken.

6.7 External claims

If the complaint may lead to a claim it will not be investigated under this internal policy. If an investigation is already underway, it will be immediately stopped and referred to the Academy's insurers.

7. Record Keeping

- 7.1 The Academy will keep a record of all concerns and complaints received and their outcomes, whether or not they were dealt with formally or informally.
- 7.2 The Academy will keep all correspondence and documentation relating to individual concerns or complaints confidential.

Appendix 1 – Formal Complaint Form

Please complete and return to the Academy who will acknowledge receipt and explain what action will be taken.

Your Name:	Student's Name: (if applicable)
Your Relationship to Student: (if applicable)	Student's DOB and Form: (if applicable)
Address and Postcode:	Daytime Telephone Number:
	Evening Telephone Number:
Full details of complaint (including the names of all persons involved and the dates of incidents referred to):	
What action, if any, have you already taken to try and resolve your complaint (for example, 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:
For Official Use:	
<i>Date Acknowledgement Sent:</i>	
<i>Name of Person Complaint Referred To:</i>	
<i>Signature:</i>	<i>Date:</i>