

# **CHULMLEIGH ACADEMY TRUST**

## **COMPLAINTS POLICY**

## **A. THE AIM OF THIS POLICY**

Chulmleigh Academy Trust is committed to providing the highest quality education to the children and young people in its care at every stage, and considers its relationship with the parents and carers of those children of the Academy to be essential to delivering that education. The Academy endeavours to enjoy a productive and open relationship with all parties with whom it deals, based on mutual respect and understanding. However, if you, as a parent/carer have any concerns you can expect the Academy to deal with those concerns in accordance with this policy.

If you are an employee of the Academy, please note you should use the Grievance Procedure to raise any concerns you have, and this policy will not apply to you.

## **B. PROCEDURE**

The Procedure detailed under this Section B shall apply unless the complaint is an Exempt Complaint, in which case Section C ("Exempt Complaints") shall apply instead.

### **Stage 1 – Informal Resolution**

The Academy would hope that almost all concerns can be dealt with quickly and informally, and the following procedure will usually apply in the first instance:

1. Your concerns should be discussed with the appropriate member of staff, who will (if it is possible and appropriate to do so) attempt to deal with the matter to your satisfaction immediately. For the avoidance of doubt, if your concerns relate to the Executive Headteacher, the appropriate member of staff will be the Executive Headteacher, who will be happy to discuss any such concerns with you (point 2 of this stage will not apply).
2. If the member of staff in question does not feel they can deal with the matter, they may discuss your concern with a more senior member of staff or the Executive Headteacher, and either the member of staff or the Executive Headteacher will contact you as soon as possible and attempt to resolve the concern.
3. If the concern is not resolved to your satisfaction within a reasonable time period (usually two school weeks of raising your concern) you should proceed to the Stage 2 of this policy (Formal Resolution).

### **Stage 2 – Formal Resolution**

If Stage 1 of this policy does not resolve your concern, you should put your concern in writing (at which point it will be considered a formal complaint) and send it to the Clerk to Directors who is based at Chulmleigh Community College, marked "confidential". If you wish to email the complaint, please email: [company.secretary@chulmleigh.devon.sch.uk](mailto:company.secretary@chulmleigh.devon.sch.uk) .

The Clerk to Directors will usually act as the Complaints Officer, though in some cases this role may be delegated to another appropriate person, in which case you will be told who the Complaints Officer is to be.

The Complaints Officer will coordinate the complaint. This will involve ensuring that this policy is complied with, including the timescales stipulated, but the Complaints Officer will not normally address your concerns directly.

The procedure for Formal Resolution shall be as follows:

1. The Complaints Officer will acknowledge your complaint as soon as reasonably practicable, usually within 2 school days, and if necessary will seek clarification from you as to the nature of the complaint and the outcome being sought.
2. The Complaints Officer will then refer your complaint to the Executive Headteacher, unless in the Complaints Officer's opinion your complaint involves the actions or omissions of the Executive Headteacher, in which case your complaint will be referred to the Chair of Directors.
3. The Executive Headteacher/Chair of Directors (in the case the complaint is with regard to the Executive Headteacher) will contact you, usually within 2 school days of being notified of the complaint, to discuss the matter and if appropriate will attempt to resolve the complaint at that stage.
4. If it is necessary to carry out investigations, the Complaints Officer will notify you of a date by which the investigations should be completed, which will usually be within two school weeks. If it is not possible to conclude investigations within this period, the Complaints Officer will inform you of the date by which investigations should be completed.
5. The Executive Headteacher/Chair of Directors (in the case the complaint is with regard to the Executive Headteacher) will carry out such investigations as he or she considers necessary, and will ensure that the Complaints Officer is provided with a written record of any meetings or interviews held in relation to the complaint.
6. When the Executive Headteacher/Chair of Directors (in the case the complaint is with regard to the Executive Headteacher) is satisfied that all relevant facts have been established insofar as it is reasonably practicable to do so, a decision will be made and the Executive Headteacher/Chair of Directors (in the case the complaint is with regard to the Executive Headteacher) will write to you, and will provide the Complaints Officer with a copy of the letter. The letter to you will include reasons for the decision.
7. If you are not satisfied with the decision, you should proceed to Stage 3 of this policy (Panel Hearing)

### **Stage 3 – Panel Hearing**

You have a right of appeal, and you should notify the Complaints Officer if you wish to appeal, stating clearly the grounds upon which you wish to appeal, and why you believe they apply. The grounds for appeal are:

- a) Procedural Impropriety (there was a material failure to follow the complaints procedure detailed above); and/or
- b) Irrationality (The decision reached was so irrational that no reasonable person would have reached that decision on the facts); and/or
- c) A Failure of Natural Justice (you were not given an opportunity to present your case and/or the person making the decision was biased and/or the decision was not based on the evidence presented)

The role of the appeals panel is (1) to determine whether any of the above grounds apply, and (2) if so to determine whether the decision is likely to have been materially affected as a result. It is not the role of the appeals panel to re-hear the complaint and substitute their own decision. If the appeal is upheld, the appeals panel will direct that the complaint (or part of it) be reheard from the beginning of stage 2.

The Complaints Officer will acknowledge your appeal usually within two school days of receipt. The Complaints Officer will then arrange to convene a hearing of the Complaints Panel, usually within four school weeks of receipt of your appeal, which shall consist of at least three persons, including one person who is independent of the management and running of the school. The other members of the panel will usually be drawn from the Board of Directors or management team of the Trust. The Complaints Officer will ensure that no member of the Complaints Panel has previously been involved in the complaint. The procedure will then be as follows:

1. The Complaints Officer will provide the Panel with all available and relevant information in relation to the complaint.
2. You will be notified of the date and time of the hearing and will be invited to attend. You may be accompanied by one other person, who may be a relative, friend or teacher. Legal representation will not normally be appropriate or permitted.
3. At the hearing, the Panel will discuss the complaint with you and/or the person who considered your complaint and will consider all relevant evidence. The panel's main role is to determine whether any of the grounds detailed above apply, and if so, whether the decision is likely to have been materially affected as a result.
4. Once the evidence has been heard and considered, all parties save for the Panel and the Complaints Officer (if present) will be excused from the meeting and the Panel will consider the evidence available and reach a decision.
5. The Panel may decide to :
  - a. uphold your appeal in full or in part and recommend that your complaint (or part thereof) is re-heard from the beginning of Stage 2. If appropriate, for example where there is a danger of bias, the Panel may direct that the complaint is considered by a different person.
  - b. reject the appeal in full;
  - c. adjourn the hearing to conduct further investigation or to consider the matter further, in which case the Complaints Officer shall re-convene the hearing as soon as reasonably appropriate, usually within two school weeks.
6. As soon as reasonably practicable and usually within one school week after the hearing the Panel's decision and the reasons for it will be confirmed to you in writing (which may include email).
7. The Panel's decision will be final and will be subject to no further appeal within the Academy.

8. The Clerk to Directors shall keep a record of the decision and recommendations of the Panel at Chulmleigh Community College where it will be available for inspection by the Executive Headteacher and the Members and Directors of Chulmleigh Academy Trust.

The Clerk to Directors shall maintain a written record of complaints, including a note of whether they were resolved at a preliminary stage or were the subject of a Panel hearing. Correspondence, statements and records relating to individual complaints shall be kept confidential except where the Secretary of State or a body conducting an inspection under section 162A of the Education Act 2002 requests access to them, or where the Academy otherwise has a legal obligation to disclose the same.

### **C. EXEMPT COMPLAINTS**

If the Complaints Officer believes a complaint received falls into a category of exempt complaints (as detailed below), the Complaints Officer will refer the complaint directly to the Chair of Directors to determine whether the complaint is an exempt complaint (or to the Vice Chair if the complaint is a complaint about the Chair of Directors).

If the Chair of Directors (Vice Chair) determines that the complaint **is not** an exempt complaint, the Chair of Directors (Vice Chair) will refer the complaint back to the Complaints Officer, and Section B shall apply.

If the Chair of Directors (Vice Chair) determines that the complaint **is** an exempt complaint, the Chair of Directors (Vice Chair) will respond directly to the complainant within two school weeks of the complaint being received, explaining that the complaint is an exempt complaint and that the complaints procedure detailed in Section B of this policy will not apply.

The Chair of Directors (Vice Chair) will respond to the points raised in the complaint to the extent that s/he considers to be appropriate, and this response shall be a final response on the matter. The complainant shall not be entitled to appeal against the decision under the terms of this policy, though may write to the Board of Directors (c/o the Complaints Officer) objecting to the decision of the Chair of Directors (Vice Chair) and the Clerk to Directors shall bring this to the attention of the Board of Directors at the next convened meeting of the Board, who shall then take such action as they consider appropriate.

The following are exempt complaints:

#### **1. Complaints about matters outside of the Academy Trust's control**

This means a complaint about the activities of persons or organisations not under the direct control of Chulmleigh Academy Trust (for example, complaints by one parent against another).

#### **2. Complaints about decisions of the whole Board of Directors**

This means a complaint against a decision made by the whole Board of Directors. Decisions made by the Board of Directors are not subject to review by Academy Trust employees or individual directors, and any dissatisfaction in respect of any such decision should be addressed to the whole Board of Directors (c/o the Chair of Directors). The Board will consider such representations at a duly convened meeting, but shall not be obliged to reconsider their decision.

### **3. Complaints about Directors or Committees of Directors acting under their delegated powers**

This means a complaint about the activities of directors or committees of directors who are acting under the powers delegated to them by the Board of Directors. These are subject to the Code of Conduct and other policies adopted by the Board, and subject to review by the full Board of Directors; concerns in respect of such matters should be addressed to the Chair of Directors (or the Vice Chair if the concern is in relation to the activities of the Chair of Directors), who will take such action within his/her powers as s/he considers to be appropriate.

### **4. Complaints previously dealt with**

This means a complaint raised by a complainant which has already been dealt with using the procedure under Section B of this policy, and which raises no new matter and presents no new information. This may include a complaint which differs slightly from the original complaint, but which is substantially the same as the complaint previously dealt with.

### **5. Complaints by a Persistent Complainant**

This means a complaint which is substantially different from complaints previously received, but is submitted by a complainant who may be considered unreasonably persistent.

A complainant will not be considered unreasonably persistent solely on the basis that he or she has submitted previous complaints. However, matters such as the volume of correspondence, the effect on the Academy Trust's resources of dealing with the complainant, the importance or triviality of the complaint, and the direct impact of the matter complained of on the complainant will be considered factors in determining whether the complaint is an exempt complaint.

### **6. Complaints in relation to which other procedures exist**

This means a complaint in respect of matters which are properly dealt with by way of alternative procedures in place (for example, employee complaints relating to employment matters should be dealt with under the Trust's Grievance Policy; complaints relating to pupil exclusions should be dealt with under the relevant legislative process etc.).

END OF POLICY