

Cambridge Meridian Academies Trust

Complaints Procedure

Document Control

Version Number:	4
Applicable To:	Generic
Committee:	Personnel
Approved By Personnel Committee On:	July 2018
Review Cycle:	2 Yearly
Date of Next Review:	July 2020

Revisions

Version	Page/Para No.	Description of Change	Approved On
2	Throughout	The word 'Trust' added in where 'Academy' also exists	June 13
2	3.2	Additional informal about appropriate direction of complaints at Academy or Trust level	June 13
2	3.3	Addition: complaints will be acknowledged within 48 hours of receipt	June 13
2	5.2	Addition: complaints will be recorded by Trust Clerk	June 13
2	8.1	Appeals should be sent to the Trust Clerk. Chair of Governors removed.	June 13
2	Stage 3	Addition of a 'Trust' Appeals committee, depending on the nature of the issue.	June 13
2	10.2	Records will be held by the Trust Clerk	June 13
2	11.1	Governors two-yearly review removed. Trust three yearly review added.	June 13
3	5	LGB or Trust Clerk	May 16
3	Throughout	Change Executive Principal to CEO	May 16
3	5.3	Addition: Shared with Trust Personnel Policy and Scrutiny Committee	May 16
3	7	Alteration to " Formal Resolution at Local Level: Investigation by a member of the Senior Leadership Team "	May 16
3	7.7	Addition of new Stage 3 and process: Formal Resolution: CEO	May 16
3	6.6	Introduction of paragraph providing Trust Chair with discretion to dismiss complaints that do not follow procedure	May 16
3	4.1	Addition of, "at any stage"	May 16
3	6.7	Addition of "or any Trust Committee"	May 16
3	8	Alteration to Stage 4 – adopt Stone King model policy approach to appeal hearings	May 16
3	9,10, 11	Adopt from Stone King model policy	May 16
3	12	Amend 3 years back to 2 in light of number of changes required to policy after 3 years	May 16
3	11	Addition of "The Trust reserves the right to record meetings"	May 16
4	13.1	Inclusion of GDPR	July 18
4	throughout	Definition of Academy Head and CEO	July 2018

1 Introduction

- 1.1 We are committed to developing a strong partnership with students, parents/carers and other internal and external stakeholders. This provides a good basis for mutual understanding and for preventing and resolving complaints.
- 1.2 We believe that the adoption of a clear procedure will help to ensure that most complaints are resolved and go to the source of the misunderstanding or problem as quickly as possible. In this way complainants can feel assured from the outset of a fair hearing, in line with a defined procedure for dealing with issues that are unresolved. We are committed to a staged framework in order to prevent an early and unnecessary escalation of the problem. In addition, we will ensure that any lessons which are learned from the investigation of complaints will improve the school's future policy and practice
- 1.3 For purposes of definition, where the policy states Academy Head this refers to all Heads of Schools. This may be Executive Principal, Principal or Headteacher. Where this policy states CEO/EP this refers to CEO or Executive Principal as appropriate.

2 Scope

- 2.1 A complaint is an expression of dissatisfaction, however made, about the standard of service, actions or lack of actions by the Trust, Academy or its staff that affects an individual or a group and requires a response from the Trust or Academy. This procedure deals with such complaints if made by a student, a parent or other external stakeholder, except where there is a separate appeals procedure for a parent dissatisfied with a decision regarding either the admission or the exclusion of their child or for appeals against the grade awarded to their child in an external examination.
- 2.2 There are also separate procedures to deal with a complaint raised by or on behalf of a member of staff. These include the Grievance Procedure for a complaint by an employee of unfair treatment, the Harassment Procedure for an employee complaining of bullying or intimidation, the Disciplinary Procedure for an employee complaining about the conduct of another member of staff and the Whistle Blowing Procedure for an unresolved allegation of institutional malpractice.

3 Principles

- 3.1 We believe that most complaints can be resolved satisfactorily by informal discussion over the telephone or through a meeting with the key people who are involved.
- 3.2 Informal queries and complaints should be taken up directly with the relevant member of staff either verbally or in writing. Formal complaints concerning an individual Academy should be addressed to the appropriate Academy Head in writing; complaints concerning the Trust should be addressed to the CEO or The Chair of the Trust.
- 3.3 All complaints will be acknowledged within 48 hours of receipt and dealt with as quickly and efficiently as possible. The length of the period will vary with the gravity and complexity of the complaint and the urgency with which it needs to be settled. However, the intention is that all complaints should be settled within a period which is reasonable in the circumstances.
- 3.4 All formal complaints will be investigated fully, fairly and carefully and complainants will be kept informed of progress.
- 3.5 The aim is always to secure the resolution of the complaint to the satisfaction of the complainant if possible.

4 Representation

- 4.1. At any stage, the complainant may be accompanied by a friend, colleague or other representative. In this case, the complainant should make their own arrangements for such representation. The representative may ask questions, confer with the complainant and make summary statements but may not answer questions on behalf of the complainant.

5 Recording

- 5.1 The Academy Head will acknowledge receipt of a written complaint within three working school days.
- 5.2 The complaint will be recorded by, by the school together with the outcome and reasons for the outcome. The complainant will be informed of the outcome in writing, together with their entitlement to appeal the outcome.
- 5.3 Where the complaint is upheld, any action to be taken by the Trust or Academy in response will also be recorded and shared with Trust Personnel Policy and Scrutiny Committee.

6 Stage One: Informal Complaints

- 6.1 Informal complaints or concerns should be raised with the relevant member of staff, such as class teacher, personal tutor or Senior Tutor. Where an informal complaint is raised with the Academy Head, it will normally be passed to the most appropriate member of staff to deal with it informally. If the complainant indicates that they would have difficulty discussing the complaint with this member of staff, the Academy Head may direct them to another member of staff. Similarly, if the most appropriate member of staff feels they would have difficulty in dealing with the complaint objectively, the Academy Head may direct the complainant to another member of staff.
- 6.2 In certain circumstances, the Academy Head may instead choose to deal with the complaint informally in person, or the relevant member of staff may ask the Academy Head to deal with it informally in person.
- 6.3 If the complaint has been made in writing, the Academy Head may choose to treat it as a formal complaint and invoke the formal procedure.
- 6.4 If the complaint has been made to the Chair of the Academy Council in the first instance, he or she will refer the complaint to the Academy Head. However, if the complaint concerns the Academy Head and has already been taken up with the Academy Head without being resolved, the complaint must be made in writing to the Chair using the Complaint Form (see Appendix A). The Chair will then invoke the formal procedure.
- 6.5 The member of staff to whom the complainant is referred will carry out an investigation and decide on any appropriate action. The complainant and the Academy Head will be informed of the conclusions drawn from the investigation and action to be taken, together with details of how to make a formal complaint if they remain dissatisfied.
- 6.6 It is a precondition to the operation of this policy that the complainant shall have made reasonable attempts to seek an informal resolution and shall have acted in relation to the matter in a reasonable and measured way consistent with the [individual academy's] [Trust's] Behaviour Code adopted from time to time. The Chair of Trustees shall have a discretion, which will be exercised reasonably, not to allow a complaint to be pursued where this precondition has not been met.
- 6.7 In some cases, matters affecting general school policy may be judged by the Academy Head, in consultation with the Chair of the Academy Council, to be an appropriate area for discussion at Academy Council or any other Trust Committee level, in order to resolve the complaint. In these circumstances care will be taken to ensure that the identity of the complainant and the individual complained of are not disclosed in case a formal complaint is made subsequently.
- 6.8 Every effort will be made to resolve the problem to the satisfaction of the complainant at this informal stage. Possible outcomes include:
 - i. complaint resolved to the satisfaction of the complainant;
 - ii. complaint not resolved to the satisfaction of the complainant;
 - iii. complaint dealt with under another procedure;

7 Stage Two: Formal Resolution at Local Level: Investigation by a member of the Senior Leadership Team

- 7.1 The Academy Head will ensure the complaint is investigated fully. The Academy Head may delegate responsibility for conducting the investigation to another member of staff.
- 7.2 Where the complaint concerns the Academy Head, the Academy Head will inform the complainant in writing that they should send a completed Complaint Form to the Chair of the Academy Council, who will then take the place of the Academy Head throughout the formal procedure.
- 7.3 Once the investigation has been completed, the Academy Head will review all the information and discuss the findings with the complainant with the aim of resolving the complaint to the complainant's satisfaction.
- 7.4 The Academy Head will decide on the outcome and inform the complainant in writing of the decision, together with details of how to appeal against the decision if they remain dissatisfied. A meeting may also be arranged to convey the reasons for the decision.
- 7.5 Rarely, the decision may involve taking disciplinary action against an individual, for which there is a separate procedure. In this event, the complainant will be informed that the complaint will be pursued through disciplinary action. The Trust's disciplinary procedures require that all details of proceedings remain confidential, and consequently the complainant will not be informed of the outcome.
- 7.6 Possible outcomes include:
 - iv. complaint withdrawn;
 - v. complaint dismissed;
 - vi. complaint dealt with under another procedure;
 - vii. complaint upheld.

7.7 Stage 3 – Formal Resolution: CEO /EP

1. The complainant must put the complaint in writing, addressed to the CEO of the Trust, setting out briefly the facts and stating what it is that the complainant considers should have been done or where the academy has not met reasonable expectations. The CEO may delegate this to an Executive Principal.
2. The CEO /EP may appoint a member of the Trust Directorate or another SLT member or Academy Head to the academy to investigate the complaint. The investigation may include the offer of a meeting with the complainant, whenever reasonably possible, any meeting with the complainant will take place within 15 school days of the written complaint being received.
3. The investigator will put her/his findings in writing and will indicate what, if any, steps should be taken to resolve the matter. Whenever reasonably possible, this will be done within 15 school days of any meeting with the complainant; if no meeting is arranged it will be within 15 school days of the written complaint being received.

Where the complainant remains dissatisfied he /she may request the complaint is dealt with at Stage 4 by completing Appendix B. Any such request **must** be set out in writing, stating where the complainant remains dissatisfied, what remedies are being sought and be lodged within **10** school days of the complainant receiving the findings in writing. The request must be addressed to the Trust Governance Manager who will convene a hearing.

8. Stage 4: Appeals Hearing

- 8.1 The Complaints Panel of the Academy Trust will consider all complaints at Stage 4.
- 8.2 The Complaints Panel will comprise of at least three people, which will include one person who is independent of the management and running of the Academy Trust and any of its academies.
- 8.3 The Complaints Panel may also include one or more persons from the following categories:
- (i) A member of the local Academy Council of the academy where the complaint emanated from;
 - (ii) A member of a local Academy Council from another academy within the Academy Trust;
 - (iii) A member of the Board of Trustees from the Academy Trust;
- 8.4 None of the members of the Complaints Panel will have been directly involved in the matters detailed in the complaint.
- 8.5 The [Clerk] will invite the academy to put in writing its response to the complainant's reasons. The academy will provide this within 15 school days. At the end of that period (whether or not the academy has responded) the [Clerk] will convene a meeting of the Complaints Panel. That meeting will be held as quickly as practicable given the need to find a date that is reasonably convenient for the complainant, the academy and the members of the Complaints Panel. Whenever possible, the meeting will be held within fifteen (15) school days of the end of the academy's response time. At any meeting, the complainant will be entitled to be accompanied by a friend but legal representation will not be allowed.
- 8.6 The meeting is not a court case, it will be held in private, and will be as informal as circumstances allow. The complainant will have the opportunity to put her/his reasons for dissatisfaction and to enlarge on them but may not introduce reasons that were not previously put in writing. The academy will have the opportunity to put its side of things and each side, as well as the Panel members, will be able to ask questions. The complainant will have the opportunity to make final comments to the Panel.
- 8.7 The Panel may make findings and recommendations and a copy of those findings and recommendations will be
- (i) sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about
 - (ii) available for inspection on the academy premises by the Academy Trust, the [Head of School] and the CEO and Executive Principal of the academy concerned.
- 8.8 The Panel will formulate its response as quickly as reasonably possible, aiming to do so within 10 school days, and the [Clerk] will notify all concerned.
- 8.9 The Appeals Committee may:
- i. dismiss the complaint in whole or in part;
 - ii. uphold the complaint in whole or in part;
 - iii. decide on any further action to be taken;
 - iv. If appropriate, recommend changes to the Academy's systems or procedures to ensure that problems of a similar nature do not recur.

9 Attendance at a Complaints Panel Hearing

The Complaints Panel will only be arranged if the complainant and / or their representative attend. If the complainant does not confirm attendance or fails to attend on the day without compelling reasons, the Complaints Panel will not proceed and the complainant will lose their right to the complaint being heard. Any further attempt to re-open the matter will be considered as falling under the serial / persistent complaint section as below.

10 Serial or persistent complainants

If at any level a complainant attempts to reopen an issue or a closely related issue that has already been dealt with under this complaints procedure, the Chair of the Academy Trust may write to the complainant to inform him/her that the procedure has been exhausted and the matter closed, that continued correspondence is vexatious and that the Academy Trust will not respond to any further correspondence on this issue or a closely related issue.

11 Record Keeping

A written record will be kept of all complaints that were resolved at the formal stage of the complaints procedure. The Trust reserves the right to record meetings. Records will contain details of whether the complaint was resolved at stage 2, stage 3 or proceeded to a stage 4 panel hearing. The action taken by the academy or the Academy Trust as a result of a complaint (regardless of whether they are upheld) will also be recorded.

12 Monitoring, Evaluation and Review

12.1 The Trust will review this procedure within two years and assess its implementation and effectiveness.

13 Data Protection

13.1 Unless stated elsewhere in this policy the data gathered during this management process is processed in line with our data protection policy which can be found on our website – www.cmatrust.net/gdpr.

13.2 Any data gathered during this process will be held in line with our records retention policy which can be found on our website – www.cmatrust.net/gdpr.

13.3 If you have any questions about the way your data has been gathered or will be retained, please contact the CMAT Trust Data Protection officer at dpo@cmatrust.net.

Appendix A

Complaint Form

Complainant

<p>Name:</p> <p>Address:</p> <p style="text-align: center;">Tel/Mobile:</p>

Details of Complaint

<p style="text-align: center;"><i>Please include full details, including dates, times and names of those involved.</i></p>
--

Signed _____ **Date** _____

<p><i>Please continue on a separate sheet if necessary. Once completed, send this form to the Clerk who will arrange for your complaint to be investigated.</i></p>

For office use

Date Received by Clerk _____ **Date of Response to Complainant** _____

Appendix B

Complaint Appeal Form

Complainant

<p>Name:</p> <p>Address:</p> <p style="text-align: right;">Tel/Mobile:</p>
--

Date complaint was submitted in writing:

Date response received from Executive Academy Head in writing:

I am dissatisfied with the response to the above complaint and would like an Appeal Hearing for the following reasons:

Signed _____ Date _____

Please continue on a separate sheet if necessary. Once completed, send this form to the Trust Clerk who will arrange for your appeal to be heard.

For office use

Date Received by Trust Clerk _____ Date of Response to Complainant _____