

Complaints Policy

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Cycle of Review:	Annually
Next Review Date:	November 2023
Date Ratified by Trustees:	11 th November 2019
Amendments approved and Ratified by Trustees:	13 th December 2022

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1. Aims

The University of Kent Academies Trust aims to meet its statutory obligations when responding to complaints from parents of students at our academies, and others.

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect complainants' desire for confidentiality
- Treat complainants with respect and courtesy
- Make sure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into our academies improvement evaluation processes

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

The relevant Academy will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will make sure we publicise the existence of this policy and make it available on the individual academies websites.

Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

2. Legislation and Guidance

This document meets the requirements set out in part 7 of the schedule to [the Education \(Independent Standards\) Regulations 2014](#), which states that we must have and make available a written procedure to deal with complaints from parents/carers of students at our academies.

It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on [creating a complaints procedure that complies with the above regulations](#), and refers to [good practice guidance on setting up complaints procedures](#) from the Department for Education (DfE).

This policy complies with our funding agreement and Articles of Association.

3. Definitions and Scope

3.1 Definitions

The DfE guidance explains the difference between a concern and a complaint:

- A concern is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”

- A complaint is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”

3.2 Scope

The relevant Academy intends to resolve complaints informally where possible, at the earliest possible stage.

There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

This policy does not cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Suspension and permanent exclusion
- Whistleblowing
- Staff grievances
- Staff discipline
- Withdrawal from the curriculum (parents and carers can withdraw their child from any aspect of religious education, including the daily act of collective worship. They do not have to explain why)

Complaints about services provided by other providers who use Academy premises or facilities should be directed to the provider concerned.

4. Roles and Responsibilities

4.1 The Complainant

The complainant will get a more effective and timely response to their complaint if they:

- Follow these procedures
- Co-operate with the relevant Academy throughout the process, and respond to deadlines and communication promptly
- Ask for assistance as needed
- Treat all those involved with respect
- Do not publish details about the complaint on social media

4.2 The Investigator

An individual will be appointed to look into the complaint and establish the facts. They will:

- Interview all relevant parties, keeping notes
- Consider records and any written evidence and keep these securely
- Prepare a comprehensive report to the Principal or complaints committee, which includes the facts and potential solutions

4.3 The Complaints Co-ordinator

The complaints co-ordinator is the Personal Assistant to the UKAT CEO and the Academy Principals.

The complaints co-ordinator will:

- Keep the complainant up to date at each stage in the procedure
- Make sure the process runs smoothly by liaising with staff members, the CEO, Principals, Chair of Trustees and Governance Officer

The complaints co-ordinator will be aware of issues relating to:

- Sharing third party information
- Additional support needed by complainants, for example interpretation support or where the complainant is a child or young person
- Keep records

4.4 The Governance Officer

The Governance officer will:

- Be the contact point for the complainant and the complaints committee, including circulating the relevant papers and evidence before complaints committee meetings
- Arrange the complaints hearing
- Record and circulate the minutes and outcome of the hearing

4.5 Committee Chair

The Committee Chair will:

- Chair the meeting, ensuring that everyone is treated with respect throughout
- Make sure all parties see the relevant information, understand the purpose of the committee, and are allowed to present their case

5. Principles for Investigation

When investigating a complaint, we will try to clarify:

- What has happened?
- Who was involved?
- What the complainant feels would put things right?

5.1 Timescales

The complainant must raise the complaint within 3 months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident.

We will consider exceptions to this timeframe in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

When complaints are made out of term time, we will consider them to have been received on the first Academy day after the holiday period.

If at any point we cannot meet the timescales we have set out in this policy, we will:

- Set new time limits with the complainant
- Send the complainant details of the new deadline and explain the delay

6. Stages of Complaint

6.1 Stage 1: Informal - Complaint heard by Member of Staff (Not complaints against the Principal or Governors)

The relevant Academy will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

- a. The complainant should raise any concerns or complaints with members of staff either in person, by telephone or in writing. You will be given an opportunity to discuss your concerns informally with the appropriate member of staff.

If the complainant is unclear who to speak to or how to get in touch with them, they can contact the relevant Academy reception who will advise the complainant of the relevant member of staff and give their contact telephone number and their email address.

- b. The relevant Academy expects all staff to return telephone calls or emails within 24 hours.
- c. The relevant Academy will acknowledge informal complaints within 15 Academy days and investigate and provide a response within 25 Academy term time days.
- d. The informal stage will involve a meeting between the complainant and the relevant member of staff.

6.2 Stage 2: Informal - Complaint heard by Subject Leader or Assistant Principal

- a. If the concern is not resolved at stage 1, complainants should contact the Subject Leader or Assistant Principal and steps 6.1 a-d will be followed.

6.3 Stage 3: Formal - Complaint heard by Principal or Executive Principal

For complaints that reach Stage 3 in the procedure, or for complaints against members of staff which automatically start at Stage 3, the following protocols will be followed.

- a. The complainant should provide details such as relevant dates, times and the names of witnesses of events, alongside copies of any relevant documents. The complainant should also state what they feel would resolve the complaint.

If complainants need assistance raising a formal complaint, they can contact the relevant Academy Reception for more information.

- b. The Principal/Executive Principal will acknowledge the complaint in writing. In some cases, they will have already been involved in looking at the matter; in others it will be their first involvement.
- c. The Principal/Executive Principal will consider providing an opportunity to meet with the complainant to supplement any information previously provided.

- d. If the complaint is against a member of staff, the Principal/Executive Principal will talk to the staff member against whom the complaint has been made.
- e. If necessary, the Principal/Executive Principal will interview witnesses and take statements from those involved.
- f. The Principal/Executive Principal will keep reasonable written records of meetings, telephone conversations and other documentation.
- g. Once all the relevant facts have been established, the Principal/Executive Principal will produce a written response to the complainant.
- h. The Principal/Executive Principal may wish to meet with the complainant to discuss/resolve the matter before confirming the outcome in writing.
- i. The written response will include a full explanation of the decision and the reasons for it. Where appropriate, it will include what action the relevant Academy will take to resolve the complaint.
- j. You will also be advised that if you are not satisfied with the response and wish to take the matter further, you can do so, by writing to the CEO (4th stage), within three weeks of receiving the outcome letter.
- k. Stage 3 should be completed in 10 Academy term time days. However, it is recognised that this timetable is likely to prove impossible for complaints which are complex. In such cases, the Principal/Vice Principal should write to you giving a revised target date.
- l. Academies will not pay financial compensation as a response to complaints, though may spend money on a relevant educational purpose (e.g., paying a fee for a repeat examination).
- m. Every endeavour will be made to resolve the matter as soon as possible. However, each complaint will be looked into thoroughly in order to provide the best outcome and this means that it is impossible to provide a timeline for resolution. The expectation would be that, in most cases the matter would be resolved within 25 Academy term-time working days.

If the complainant is not satisfied with the response they should proceed to the next stage of this procedure.

6.4 Stage 4 – Complaints to the CEO for investigation

For complaints that reach Stage 4 in the procedure, or for complaints against the Principal or Executive Principal, the following protocols will be followed.

- a. The CEO will acknowledge the complaint in writing. In some cases, they will have already been involved in looking at the matter; in others it will be their first involvement.
- b. The CEO will consider providing an opportunity to meet with you to supplement any information previously provided.
- c. If the complaint is against a member of staff or the Principal/Executive Principal the CEO will talk to the staff member against whom the complaint has been made.

- d. If necessary, the CEO will interview witnesses and take statements from those involved.
- e. The CEO will keep reasonable written records of meetings, telephone conversations and other documentation.
- f. Once all the relevant facts have been established, the CEO will produce a written response to the complainant.
- g. The CEO may wish to meet with the complainant to discuss/resolve the matter before confirming the outcome in writing.
- h. The written response will include a full explanation of the decision and the reasons for it. Where appropriate, it will include what action the relevant Academy will take to resolve the complaint.
- i. You will also be advised that if you are not satisfied with the response and wish to take the matter further, you can do so, by writing to the Chair of Trustees (5th stage) or their nominated representative, within three weeks of receiving the outcome letter.
- j. Stage 4 should be completed in 10 Academy term time days. However, it is recognised that this timetable is likely to prove impossible for complaints which are complex. In such cases, the CEO should write to the complainant giving a revised target date.
- k. Academies will not pay financial compensation as a response to complaints, though may spend money on a relevant educational purpose (e.g., paying a fee for a repeat examination).

6.5 Stage 5 complaints - Complaints heard by Trustees

- a. If the complainant decides to take the matter further, the Chair of Trustees or their nominated Trustee representative/s, should write to the complainant to acknowledge the complaint within three Academy term time days of receipt of the complaint. A copy of the acknowledgement and the complaints form should be sent to the CEO and the Governing Body's Governance Officer.
- b. Investigating the complaint - If the complaint has been investigated at Stages 1, 2, 3 and 4 the result of the investigation must be made available to the Chair of Trustees or their nominated Trustee representative/s, by the CEO. However, the complaint may be initiated at stage 4, if the complaint is against the Principal or Executive Principal. The Chair of Trustees should consult with a panel of Trustees whether and how the complaint should be investigated.
- c. The Governing Board will establish a Complaints Committee comprising of three individuals from which two Trustees can be drawn by the Governance Officer, as well as an independent panel member, not involved in the management and running of the Academy, usually recruited from another School or Academy. Neither the Principal nor the Executive Principal will serve on this Committee.
- d. The Committee should consider the complaint on the basis of the written evidence and usually also set up a hearing and hear both parties. Trustees may also take evidence on their own initiative. Trustees should reconsider the issues raised in the original complaint and not confine themselves to consideration of procedural issues.

If they decide to set up a hearing, the Committee should follow the procedure set out below.

- e. The Governance Officer will deal with the administration of the procedure; provide independent advice on procedure and evidence; ensure that the relevant facts are established; minute the meeting and draft the decision letter.
- f. The Governance Officer/Chair of the Complaints Committee will write to the complainant to explain how the review will be conducted. The letter will be copied to the Principal/Executive Principal and CEO.
- g. The Governance Officer/Chair of the Complaints Committee will confirm the date of the meeting with the other Trustee(s).
- h. The complainant (and a representative if requested), Principal or Executive Principal and, where deemed appropriate the CEO, will be invited to attend the meeting. The date and time of the meeting should be convenient to the complainant, Principal and Executive Principal, within reason. The notification should inform the complainant and the Principal/Executive Principal of their individual rights to be accompanied to the meeting by a friend/representative. It will also explain how the meeting will be conducted and of the complainants right to submit further written evidence to the Committee.
- i. The Principal and/or Executive Principal may also be invited to prepare a written report regarding any complaint for the Committee to take into account.
- j. All relevant correspondence regarding the complaint will be circulated to the Committee members, the complainant, the Principal/Executive Principal and CEO in advance of the meeting.
- k. If the Principal/Executive Principal and/or the complainant wish to call witnesses, the agreement of the Chair of the Committee should be obtained in advance of the meeting.
- l. It is the responsibility of the Chair to ensure that the meeting is properly conducted. However, the proceedings should be as informal as possible, to enable all parties to communicate effectively.
- m. The aim of the meeting should be to resolve the complaint and achieve reconciliation between the Academy and the complainant. However, at the end of the meeting the Committee will need to issue a finding in writing either upholding or not upholding the complaint or upholding some parts and not others.
- n. If either party wishes to introduce previously undisclosed evidence or witnesses, it is in the interest of natural justice to adjourn the meeting so that the other side has time to respond to the new evidence. Late evidence of witnesses should not be accepted unless there is a good reason for the lateness.
- o. The meeting should allow for:
 - the complainant (together with a friend/representative if requested) to explain their complaint and the Principal to explain the reasons for their decision
 - panel members to have an opportunity to question all parties
 - any party to have the right to bring witnesses (subject to the approval of the Chair) and all parties having the right to question all the witnesses.

- final statement by the complainant and the staff member who is subject to the complaint.
- p. The Chair of the Committee should explain to the complainant and the Principal/Executive Principal that the Committee will consider its decision, and a written response will be sent to both parties as soon as possible. The complainant, Principal/Executive Principal and any witnesses will then leave.
 - q. The panel will consider the complaint and all the evidence presented, and reach a unanimous, or at least a majority, decision on the complaint. Where appropriate the Committee can decide on the action to be taken to resolve the complaint and/or suggest recommended changes to the relevant Academy's system or procedures to ensure that problems of a similar nature do not happen again.
 - r. Trustees will not pay financial compensation as a response to a complaint, though may spend money on an appropriate educational purpose.
 - s. The Governance Officer/Chair of the Committee will send a written statement outlining the decision with reasons to both the complainant and the staff member who is subject to the complaint.
 - t. The complainant should be advised that if they are dissatisfied with the response they have the right to take the matter further by referring their complaint to the Secretary of State for Education.
 - u. Stage 5 should be completed in 15 Academy term time days. However, it is recognised that this timetable is likely to prove impossible for complaints which are complex. In such cases the Chair of the Complaints Committee should write to the complainant giving a revised target date.
 - v. In exceptional circumstances the Complaints Committee may decide after taking advice not to proceed to consider the complaint on the grounds that the complaint has already been dealt with or is malicious/vexatious.
 - w. The findings and recommendations of the panel will be provided to the complainant and, where relevant, the person complained about. They will also be available for inspection on the Academy premises by the Principal, Executive Principal or CEO.
 - x. A written record will be kept of all complaints made, along with details of whether they were resolved following a formal procedure, or progression to a panel hearing.

7. Referring complaints on completion of the Academy's procedure

If the complainant is unsatisfied with the outcome of the relevant Academy's complaints procedure, they can refer their complaint to the Education and Skills Funding Agency (ESFA). The ESFA will check whether the complaint has been dealt with properly by the Academy. The ESFA will not overturn an Academy's decision about a complaint, but will intervene if an Academy or Trust has:

- Breached a clause in its funding agreement
- Failed to act in line with its duties under education law
- Acted (or is proposing to act) unreasonably when exercising its functions
- If the Academy's complaints procedure is found to not meet regulations, the Academy will be asked to correct its procedure accordingly.

For more information or to refer a complaint, see the following webpage:

<https://www.gov.uk/complain-about-school>

We will include this information in the outcome letter to complainants.

8. Complaints Procedure sequence

1st Stage – Complaint heard by member of staff not resolved.

2nd Stage – Complaint heard by Subject Leader or Assistant Principal not resolved.

3rd Stage – Complaint heard by Principal or Executive Principal not resolved.

4th Stage – Complaint heard by CEO not resolved

5th Stage – Complaint heard by Chair of Trustees or nominated Trustees not resolved.

6th Stage – Complaint to the Secretary of State for Education Final to ensure that the complaint has been handled properly by following the published procedure.

9. Complaints against the Principal or Executive Principal

If the complaint is wholly or mainly about the Principal or Executive Principal, the CEO should consider the complaint in accordance with Stage 5 of the procedure described above. However, before Stage 5 is instigated, the CEO will invite the Principal or Executive Principal to respond to the complaint in writing within 10 Academy term time days. The CEO or Chair of the Governing Board or their representative will send a copy of the Principal's response to the complainant and they will be asked to indicate within five Academy days of receipt of the response whether they are satisfied with the response. If the complainant is not satisfied with the response, Stage 5 should commence as described in the paragraphs above, i.e. the case will be considered by Trustees.

10. Persistent Complaints

10.1 Unreasonably Persistent Complaints

Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:

- Has made the same complaint before, and it's already been resolved by following the relevant Academy's complaints procedure
- Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
- Insists on pursuing a complaint that is unfounded, or out of scope of the complaint's procedure, beyond all reason
- Pursues a valid complaint, but in an unreasonable manner e.g., refuses to articulate the complaint, refuses to co-operate with this complaints procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the timeframes it sets out
- Makes a complaint designed to cause disruption, annoyance or excessive demands on Academy time
- Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value

10.2 Steps We Will Take

We will take every reasonable step to address the complainant's concerns and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal (as outlined above) wherever possible.

If the complainant continues to contact the Academy in a disruptive way, we may put communications strategies in place. We may:

- Give the complainant a single point of contact via an email address
- Limit the number of times the complainant can make contact, such as a fixed number per term
- Ask the complainant to engage a third party to act on their behalf, such as [Citizens Advice](#)
- Put any other strategy in place as necessary

10.3 Stopping Responding

We may stop responding to the complainant when all of these factors are met:

- We believe we have taken all reasonable steps to help address their concerns
- We have provided a clear statement of our position and their options
- The complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience

Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from our Academy sites.

11. Duplicate Complaints

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account.

If we are satisfied that there are no new aspects, we will:

- Tell the new complainant that we have already investigated and responded to this issue, and that the local process is complete
- Direct them to the DfE if they are dissatisfied with our original handling of the complaint

If there are new aspects, we will follow this procedure again.

12. Complaint Campaigns

Where the relevant Academy receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the Academy, the Academy may respond to these complaints by:

- Publishing a single response on the Academy website

- Sending a template response to all of the complainants

If complainants are not satisfied with the Academy's response, or wish to pursue the complaint further, the normal procedures will apply.

13. Record Keeping

The relevant Academy will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

This material will be treated as confidential and held centrally and will be viewed only by those involved in investigating the complaint or on the review panel.

This is except where the Secretary of State (or someone acting on their behalf) or the complainant requests access to records of a complaint through a Freedom of Information (FOI) request or through a Subject Access Request (SAR) under the terms of the Data Protection Act, or where the material must be made available during an Academy inspection.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and records retention Policy and schedule.

The details of the complaint, including the names of individuals involved, will not be shared with the whole Governing Board in case a review panel needs to be organised at a later point.

Where the Governing Board is aware of the substance of the complaint before the review panel stage, the relevant Academy will (where reasonably practicable) arrange for an independent panel to hear the complaint.

Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the Governing Board, who will not unreasonably withhold consent.

Any complaint brought to the attention of an Academy that suggests that a child/student has been at risk of significant harm through violence, emotional abuse, sexual interference or neglect will be referred without further notice to Local Authority Children's Services in which the child lives. If the Local Authority decides to investigate a situation this may postpone or supersede investigation by the Principal or Governing Board.

A confidential written record of all complaints, together with the findings and final outcome, will be kept on file.

The relevant Academy will record the action it takes as a result of complaints (regardless of whether they are upheld)

14. Learning Lessons

The Governing Board will review any underlying issues raised by complaints with the Principal/Executive Principal/SLT, where appropriate, and respecting confidentiality, to determine whether there are any improvements that the relevant Academy can make to its procedures or practice to help prevent similar events in the future.

15. Monitoring Arrangements

The **Governing Board** will monitor the effectiveness of the complaints procedure in making sure that complaints are handled properly. The **Governing Board** will track the number and nature of complaints, and review underlying issues as stated in section 11.

The complaints records are logged and managed by the PA to the CEO and Principals.

This policy will be reviewed by the Governance Officer, Local Governing Board and the Trust Board annually.

At each review, the policy will be approved by Principal, Executive Principal, CEO, Local Governing Board and the Trust Board.

16. Teaching and Learning

If you have any concerns about a particular subject or lesson, please contact your child's subject teacher or the Subject Leader (Head of Department). If the issue is still unresolved please contact the Assistant Principal responsible for the leadership of your child's year group.

17. Welfare at the Academy

If you have any concerns about attendance, punctuality or your child's welfare, please contact the Attendance Team, your child's Personal Tutor or an Assistant Principal. If you are unable to get a satisfactory response by following the agreed procedures, then please do not hesitate to contact reception to arrange a meeting with the Principal or Executive Principal.

18. Complainant/Academy Meetings to Discuss Complaints

At the meeting arranged to discuss your concerns informally:

- you can bring a friend to support you
- the member of staff dealing with the concern should ensure that you are clear about any actions that may need to be taken and/or how the situation will be monitored, as well as an agreed review date
- a written record of the outcomes of the meeting will be communicated in writing with appropriate detail

If you are not satisfied with the solution, then you may accelerate the complaint up to the next appropriate stage for your complaint to be heard.

19. Links With Other Policies

Policies dealing with other forms of complaints can be found on the academies websites and include:

- Safeguarding and Child Protection Policy
- Admissions Policy
- Exclusions Policy
- SEND Policy
- Privacy notices

Policies relevant to UKAT Staff can be found on the Compliance SharePoint site and include:

- Grievance Policy and Procedures
- Disciplinary Policy and Procedures