Aspire Complaints Policy

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1. Purpose and context

Aspire aims to build an open culture where issues are spoken about and resolved at an early stage, through open and respectful communication. However, we understand that part of having this culture includes having a robust complaints procedure.

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 school improvement evaluation processes

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

Aspire 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 school website.

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

This procedure does not apply to concerns and complaints relating to the following, which are dealt with under separate policies:

- exclusions;
- admissions;
- appeals relating to internal assessment decisions for external qualifications;
- complaints about statements of SEN/EHC Plans;
- grievances or disciplinary issues relating to members of staff; or
- issues related to child protection.

The aims of this policy are:

- To deal with any complaint against the Academy Trust or its Schools and Services, or any individual connected with it, by following the correct procedure.
- To deal with all complaints thoroughly and by being open, honest, and fair when dealing with the complainant.

All staff will be made aware of this Complaints Policy. Staff are expected to be familiar with our process of dealing with complaints so that they can be of assistance when an issue is brought to their attention.

2. Legislation and guidance

This document meets the requirements of section 29 of the Education Act 2002, which states that schools must have and make available a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides.

It is also based on guidance for Schools on complaints procedures from the Department for Education (DfE), including the model procedure, and model procedure for dealing with serial and unreasonable complaints, as well as being 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 Aspire School's funding agreement and articles of association.

3. Definition

A complaint is an expression of dissatisfaction about the standards of service, actions, or the lack of action by the Trust or its schools or its staff, affecting an individual pupil, person or group of pupils or people.

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"

Parents/carers may wish to complain if they believe:

- They have not been treated fairly or politely; or
- The Academy Trust has not done something it should have done; or
- The Academy Trust has done something badly.

4. Process for dealing with complaints

When complaints are received, the following principles underpin our approach:

- People will be dealt with courteously and in a sensitive and helpful manner.
- Things will be put right where it is clear the Academy Trust has not given the service that parents/carers have the right to expect.
- Complaints will be analysed so that the views of parents/carers can be considered when the Trust plans for the future.
- The Executive Headteacher or Head of an individual school/service may delegate an investigation to a senior member of staff in the Trust.
- If the complainant has not had a response within the timescale, this does not mean that the complaint is upheld.

Where (re)training of staff would be an appropriate means of avoiding an issue reoccurring, this may be considered as a proactive step to improve employee and stakeholder relations. If, during consideration of a complaint, it is decided that disciplinary proceedings should be initiated against a

member of staff, separate action will be taken as appropriate. The aim, however, will always be to improve relations with stakeholders and maintain staff morale.

The complainant may make his or her representations at each stage of the procedures in person, accompanied by a friend if so desired. The name of anyone accompanying a complainant should be communicated in advance and in what capacity they are attending. If the complainant wishes to be accompanied by a friend who is a legal professional, they cannot contribute to the meeting in a legal capacity. Where appropriate, steps will be taken to ensure that information is available to complainants in languages other than English and arrangements made for an interpreter to be present during any oral representation.

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 school 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 investigate 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 Executive Headteacher or complaints committee, which includes the facts and potential solutions

4.3 The Complaints Coordinator

The complaints co-ordinator can be:

- The Executive Headteacher or Head of School/Service
- A Trustee
- Any other staff member providing administrative support

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 Executive Headteacher, the Headteacher or Head of Service, Chair of Trustees, Clerk and CEO

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 Clerk to the Board of Trustees

The clerk 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

Complaint stages

4.6 Stage one: Informal Complaint

Aspire 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.

Many enquiries and concerns expressed by parents/carers and others about the Academy Trust can be dealt with satisfactorily by a Class teacher, Head of Department, or other more senior members of staff without the need to resort to the formal procedure. We value informal meetings and discussions and encourage parents to approach staff with any concerns they may have and aim to resolve all issues with open dialogue and mutual understanding.

The complainant should raise the complaint as soon as possible with the relevant member of staff or the Head of School/Service, either in person or by letter, telephone, or email. If the complainant is unclear who to contact or how to contact them, they should contact the school office. Contact details for the main reception at all Sites and Services can be found on the Trust website under the "Contact Us" option:

Aspire Alternative Provision - Contact Us (aspireap.org.uk)

The relevant school/service will acknowledge informal complaints within 5 school days.

If the concerns are about the Head of School, these should be referred directly to the Executive Head Teacher. If the complaint is about the Executive Head Teacher, this should be directed to the CEO. If the complaint is about the CEO, the complaint should be directed to the Chair of Trustees.

The informal stage will involve a meeting between the complainant and a relevant member of staff (the Head of School/Service or the staff who is the subject of the complaint], as appropriate.

If the complaint is not resolved informally, it will be escalated to a formal complaint.

Complaints at this stage will be dealt with within 5-10 working days (from acknowledgement).

4.7 Stage two: Formal Complaint

If dissatisfied with the Trust's initial response, the person concerned may then submit a formal complaint.

The formal stage involves the complainant putting the complaint to the Executive Leader/or the subject of the complaint:

- In a letter or email
- Over the phone
- In person
- Through a third party acting on their behalf

The complainant should make it clear that it is a formal complaint, how it has been dealt with so far and provide details such as relevant dates, times, and the names of witnesses of events, alongside copies of any relevant documents. The complainant should also include a clear statement of how he or she would like the Academy Trust to resolve the complaint.

If complainants need assistance raising a formal complaint, they can contact the school office. Contact details for the main reception at all Sites and Services can be found on the Trust website under the "Contact Us" option:

Aspire Alternative Provision - Contact Us (aspireap.org.uk)

The Executive Leader will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

The Executive Leader (or other person appointed by the Executive Leader for this purpose) will then conduct their own investigation. If, in his/her view, the complaint falls outside the scope of this policy the Executive Leader or appointed person will advise the complainant of any other recourse he or she may have. If investigation of the relevant complaint will take some time, the Executive Leader or appointed person will notify the complainant of this fact and of progress during consideration of the complaint.

Following their consideration, the written conclusion of this investigation will be sent to the complainant within 15 school days and will state the following:

- the decision reached and the reason for it
- any action taken or proposed including details of any request made to those complained against
- what actions will be taken to resolve the complaint

If the complainant is not satisfied with the response and wishes to proceed to the next stage of this procedure, they should inform the clerk to the full Board of Trustees in writing within 10 school days.

In such instances where the complaint falls outside the scope of this policy the decision of the Executive Leader/appointed person is final. If the complaint is about the Executive Leader and outside the scope of this policy, then the decision and investigation will be referred to the CEO and the CEO's decision will be final. If the complaint is about the CEO and outside of the scope of this policy, then the decision and investigation will be referred to the Chair of Trustees and the Chair of Trustee's decision will be final.

4.8 Stage three: Appeal Panel

4.8.1 Convening the panel

Complaints will be escalated to the panel hearing stage if the complainant is not satisfied with the response to the complaint at the second, formal, stage.

The panel will be appointed by or on behalf of the Trust and must consist of at least 3 people who were not directly involved in the matters detailed in the complaint. At least 1 panel member must be independent of the management and running of the School/Service/Trust. The panel cannot be made up solely of Trustee members, as they are not independent of the management and running of the School/Service/Trust.

The panel will have access to the existing record of the complaint's progress. The complainant must have reasonable notice of the date of the review panel. The clerk will aim to find a date within 10 school days of the request, where possible.

If the complainant rejects the offer of 3 proposed dates without good reason, the clerk will set a date. The hearing will go ahead using written submissions from both parties.

Any written material will be circulated to all parties at least 5 school days before the date of the meeting.

4.8.2 At the meeting

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending will be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

At the review panel meeting, the complainant, and representatives from the School/Service/Trust, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant must be allowed to attend the panel hearing and be accompanied if they wish. We do not encourage either party to bring legal representation but will consider it on a case-by-case basis. For instance, if a School/Service employee is called as a witness in a complaint meeting, they may wish to be supported by their union.

Representatives from the media are not permitted to attend.

Where the complainant chooses to attend in person, the usual order of proceedings shall be as follows:

- The complainant and Executive Leader/CEO/Head of School/Head of Service will enter the hearing together;
- The Chair of the panel will welcome the complainant, any representative and introduce those present;
- The complainant may, if he or she chooses, restate the nature of the complaint;
- The complainant may be asked questions by the panel and by the Executive Leader/CEO/Head of School/Head of Service;
- The Executive Leader/CEO/Head of School/Head of Service may be asked to make a statement to the panel regarding the matter complained of and may be asked questions by the panel or by the complainant;

- The complainant may, if he or she chooses, summarise the complaint;
- The Chair of the Panel will explain that both parties will hear from the Panel within 5 school days;
- The Executive Leader/CEO/Head of School/Head of Service, complainant, and any representative they have brought will be asked to leave together.

The panel will then put together its findings and recommendations from the case. The panel will also provide copies of the minutes of the hearing and the findings and recommendations to the complainant and, where relevant, the individual who is the subject of the complaint, and make a copy available for inspection by the Trust and Executive Headteacher/CEO.

4.8.3 The outcome
The committee can:

- Uphold the complaint, in whole or in part
- Dismiss the complaint, in whole or in part

If the complaint is upheld, the committee will:

- Decide the appropriate action to resolve the complaint
- Where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future

The Chair of the Panel will inform those involved of the decision in writing within 15 school days.

5. Complaints against the CEO, Executive Headteacher, a Trustee or The Board of Trustees

5.1 Stage 1: Informal

Complaints made against the CEO, Executive Headteacher or any member of the Board of Trustees should be directed to the clerk to the board of trustees in the first instance.

If the complaint is about the CEO, Executive Headteacher or 1 member of the Board of Trustees (including the Chair or Vice-chair), a suitably skilled and impartial Trustees will carry out the steps at stage 1 (set out in section 4.6 above).

5.2 Stage 2: Formal

If the complaint is:

- Jointly about the Chair and Vice-chair or
- The entire Board of Trustees or
- Most of the Board of Trustees

An independent investigator will carry out the steps in stage 2 (set out in section 4.7 above).

They will be appointed by the Board of Trustees and will write a formal response at the end of their investigation.

5.3 Stage 3: Review Panel

If the complaint is:

- Jointly about the Chair and Vice-chair or
- The entire Board of Trustees or
- Most of the Board of Trustees

A committee of independent Trustees will hear the complaint. They will be sourced from local schools or the local authority and will carry out the steps at stage 3 (set out in section 4.8 above).

6. Referring complaints on completion of the Trust's procedure

If the complainant is unsatisfied with the outcome of the Trust'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 Trust. The ESFA will not overturn a Trust's decision about a complaint, but will intervene if a school 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 Trust's complaints procedure is found to not meet regulations, the Trust 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

The Trust will include this information in the outcome letter to complainants.

7. Persistent complaints

7.1 Unreasonably Persistent Complaints

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

- Has made the same complaint before, and it has already been resolved by following the Trust'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 complaints 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 periods it sets out
- Makes a complaint designed to cause disruption, annoyance, or excessive demands on school time
- Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value

7.1.1 Steps Aspire will take
Aspire 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 Trust 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

7.1.2 Stopping responding
We may stop responding to the complainant when all 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 school or service sites.

7.2 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 had not previously considered, or any added information we need to consider.

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.

7.3 Complaint Campaigns

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

- Publishing a single response on the school website
- Sending a template response to all the complainants

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

8. Record keeping

The school/service 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 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 under the terms of the Data Protection Act, or where the material must be made available during a school 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 GDPR policies.

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

Where the Board of Trustees is aware of the substance of the complaint before the review panel stage, the Trust 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 Board of Trustees, who will not unreasonably withhold consent.

9. Learning lessons

The Chair of Trustees will review any underlying issues raised by complaints with the Executive Leadership Team, where appropriate, and respecting confidentiality, to determine whether there are any improvements that the Trust can make to its procedures or practice to help prevent similar events in the future.

10. Monitoring arrangements

The Chair of Trustees will monitor the effectiveness of the complaints procedure in making sure that complaints are handled properly, as well as tracking the number and nature of complaints, and reviewing underlying issues as stated in section 8.

The complaints records are logged and managed by HR, supported by the Clerk to the Trustees where appropriate.

This policy will be reviewed by the CFOO bi-annually. At each review, the policy will be approved by the Executive Team as well as the Finance Committee and Full Governing Board.