



PROSPER
LEARNING TRUST

Complaints Policy

DOCUMENT HISTORY

Policy reviewed and adopted by Trustees	December 2017
Review frequency	Annually
Date of next review	December 2018
Responsible Officer	CEO

1. Introduction

The PROSPER Learning Trust is dedicated to providing the best possible education and support for all its pupils. Recognising that at times things can go wrong, the Trust has a clear, fair and efficient procedure for dealing with any complaints to or against the Trust or any of its constituent academies, so that any issues that arise can be dealt with as swiftly and effectively as possible.

All Trust staff will be made aware of complaints procedures and are expected to read this policy regularly in order that they are familiar with our process of dealing with complaints and can be of the most assistance when an issue is brought to their attention.

This policy seeks to help parents/carers, and others, understand how to resolve concerns, issues and complaints.

When responding to complaints, we aim to:

- Treat complainants with respect
- Be impartial and non-adversarial
- Respect complainants' desire for confidentiality
- Address all of the points at issue and provide an effective and prompt response
- Keep complainants informed of the progress of the complaints process
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Consider how the complaint can feed into Trust 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 Trust will aim to give the complainant the opportunity to complete the complaints procedure in full. Anonymous complaints will not be considered.

To support this, we will ensure we publicise the existence of this policy and make it available on the Trust and individual Academy's websites.

2. Legislation and Guidance

This policy meets the Standards set out in the Education (Independent School Standards (England) Regulations 2014 Schedule 1, Part 7 and complies with each Academy's Funding Agreement and the Trust's Articles of Association. In addition, it addresses duties set out in the Early Years Foundation Stage statutory framework with regards to dealing with complaints about the Trust's (and relevant Academies') fulfilment of Early Years Foundation Stage requirements.

3. Definitions and Scope

A **concern** is defined as "an expression of worry or doubt over an issue considered to be important for which reassurances are sought". The Trust will resolve concerns through day to day communication as far as possible.

A **complaint** is defined as "an expression of dissatisfaction however made, about actions taken or a lack of action". The Trust 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 apply to complaints about:

- Pupil admissions
- Pupil exclusions
- Education Health and Care (EHC) Plans
- Child Protection and Safeguarding
- Appeals relating to internal assessment decision for external qualifications
- Disciplinary or grievance issues relating to members of staff

Each of the above follows its own process of complaints and appeals which are outlined in their relevant policies.

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

4. Principles for Investigation

When investigating a complaint, we will attempt to clarify:

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

We also intend to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits will be set for action within each stage.

Where further investigations are necessary, new time limits will be set, and the complainant will be sent details of the new deadline with an explanation for the delay.

The Trust expects that complaints will be made as soon as possible after an incident arises and no later than 3 months afterwards. We will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint so they can still be investigated in a fair manner for all involved.

Complaints About Fulfilment of Early Years Requirements (for relevant academies)

We will investigate all written complaints relating to the Trust's fulfilment of the Early Years Foundation Stage requirements, and notify the complainant of the outcome within 28 days of receiving the complaint. The Trust (and relevant Academy) will keep a record of the complaint and make this available to Ofsted on request.

Parents and carers can notify Ofsted if they believe the Trust (and relevant Academy) is not meeting Early Years Foundation Stage requirements, by calling 0300 123 4234 or 0300 123 4666, or by emailing enquiries@ofsted.gov.uk . An online contact form is also available at <https://www.gov.uk/government/organisations/ofsted#org-contacts> .

5. Stages of the Complaints Procedure (not complaints against CEO, Headteachers/Heads of School or a Governor)

Stage 1 – Informal

The Trust and its constituent Academies will take 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.

The complainant should raise the complaint as soon as possible with the Headteacher/Head of School of the relevant Academy, either in person or by letter, telephone or email. Contact details are in Appendix 1. If the complainant is unclear who to contact or how to contact them they should contact the relevant Academy reception/office.

The Trust/relevant Academy will acknowledge informal complaints within 5 school days, and investigate and provide a response within a further 10 school days. The informal stage will involve a meeting between the complainant and the Headteacher/Head of School and/or the subject of the complaint, as appropriate. If the complaint is not resolved informally, it will be escalated to a formal complaint.

Stage 2 – Formal

Inform the CEO or relevant Headteacher/Head of School in writing

Complete the form in Appendix 3 with full 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.

For complaints relating to a specific Academy the relevant Headteacher/Head of School will call a meeting to clarify concerns, and seek a resolution. The complainant may be accompanied to this meeting, and should inform the Academy of the identity of their companion in advance. For complaints relating to the Trust the CEO will call the meeting.

The CEO or relevant Headteacher/Head of School will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within 10 school days.

Stage 3 – Submit the Complaint to a Complaints Appeals Panel

If a complainant wishes to appeal a decision made at stage 2 of the complaints process, or they are not happy with the action taken at stage 2, the complainant is able to appeal this decision. They must write to the Clerk of the Board of Trustees as soon as possible after receiving notice of the decision at stage 2, briefly outlining the content of the complaint and requesting that a complaints appeal panel is convened.

The Clerk will acknowledge, in writing, receipt of the appeal within 3 working days and inform the complainant of the steps involved in the process. The Clerk will be the contact point for the complainant.

The Complaints Appeals Panel is appointed by or on behalf of the Trust. At least one person on the panel must not, at any time, have been a governor of any of the Academies, or a member of staff or supply staff, and must not have been the parent of a registered or former registered pupil at any of the Academies. They must also not have been directly involved in any matter detailed in the complaint.

The Panel will convene an Appeal Panel Hearing as soon as possible no later than 20 working days after receipt of an appeal. The complainant may attend the hearing and be accompanied if they wish. Representatives from the Trust/relevant Academy will attend as appropriate. Each will have an opportunity to set out written or oral submissions prior to the meeting.

At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called as appropriate to present their evidence. All parties will be given the chance to ask and reply to questions.

The complainant, CEO/relevant Headteacher/Head of School, and where relevant, the subject of the complaint, will be given a copy of their findings and recommendations made by the Panel.

The Trust/relevant Academy will inform those involved, of the decision in writing within 10 school days.

6. Complaints Against the CEO, a Headteacher/Head of School or a Governor

Complaints made against the CEO should be directed to the Chair of the Board of Trustees. Complaints made against a Headteacher/Head of School should be directed to the Chair of the relevant Local Governing Body.

Where a complaint is against the Chair of a Local Governing Body or any governors, it should be made in writing to the Clerk to Governing Body in the first instance.

7. 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/Academy. The ESFA will not overturn a Trust/Academy decision about a complaint. However it will look into:

- Whether there was undue delay, or the school did not comply with its own complaints procedure
- Whether the Trust/Academy was in breach of its funding agreement with the secretary of state
- Whether the Trust/Academy has failed to comply with any other legal obligation

If the Trust/Academy did not deal with the complaint properly, it will be asked to re-investigate the complaint. 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>

8. Persistent complaints

Where a complainant tries to re-open the issue with the Trust/Academy after the complaints procedure has been fully exhausted and the Trust/Academy has done everything it reasonable can in response to the complaint, the Chair of Trustees/Chair of LGB (or other appropriate person in the case of a complaint about the Chair) will inform the complainant that the matter is closed.

If the complainant subsequently contacts the Trust/Academy again about the same issue, the Trust/Academy can choose not to respond. The normal circumstance in which we will not respond is if:

- The Trust/Academy has taken every reasonable step to address the complainant's needs
- The complainant has been given a clear statement of the Trust's/Academy's position and their options (if any)
- The complainant is contacting the Trust/Academy repeatedly but making substantially the same points each time

However, this list is not intended to be exhaustive.

The Trust/Academy will be most likely to choose not to respond if:

- We have reason to believe the individual is contacting the Trust/Academy with the intention of causing disruption or inconvenience
- The individual's letters/emails/telephone calls are often or always abusive or aggressive
- The individual makes insulting personal comments about, or threats towards, Academy staff

Unreasonable behaviour which is abusive, offensive or threatening may constitute an unreasonably persistent complaint.

Once the Trust/Academy has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email.

The Trust/Academy will ensure when making this decision that complainants making any new complaint are heard, and that the Trust/Academy acts reasonably.

9. Record keeping

The Trust and its constituent Academies 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.

The material will be treated as confidential and held centrally, and will be viewed only by those involved in investigating the complaint or by the Complaints Appeal 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 under the terms of the Data Protection Act, or where the material must be made available during a trust/academy inspection.

Records of complaints will be kept for 6 years from resolution in accordance with data protection rules.

10. Learning lessons

The Board of Trustees will review any underlying issues raised by complaints with the CEO/relevant Headteacher, 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.

11. Monitoring arrangements

The Board of Trustees will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The Board of Trustees will track the number and nature of complaints, and review underlying issues as stated in section 10.

The complaints records are logged and managed by

At each review, the policy will be approved by the Board of Trustees

12. Links with other policies

Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy and procedures
- Admissions policy
- Exclusions policy
- Staff grievance procedures
- Staff disciplinary procedures
- SEN policy and information report

Staff who have a concern about a colleague or a volunteer member of staff should refer to the Trust's Whistleblowing Policy.

Appendix 1

Contact details

PROSPER Learning Trust

CEO – Mark Jones

Chair of Trustees – Joanne Clifford Swann

Trust Office 0191 9171246

Newcastle Bridges School – Cherrywood, Newcastle upon Tyne, NE6 4NW

Head of School – Kevin Stafford

Chair of LGB – Jeff Lough

Academy Office – 0191 275 5111

Mary Astell Academy – Linhope Road, Newcastle upon Tyne, NE5 2LW

Head of School – Andrea Spowart

Chair of LGB – Sandra Davison

Academy Office – 0191 267 4447

Secretary of State for Education (Department for Education):

Ministerial and Public Communications Division

Piccadilly Gate

Store Street

Manchester

M1 2WD

Tel: 0370 000 2288

Appendix 2

How to listen to complaints (staff guidance)

Don't pass the buck	Try not to keep transferring an angry person from one place to another. Make sure you know the contact person for anything you cannot deal with yourself
Don't be flippant	First impressions count. You and the Trust may be judged on your immediate reaction.
.	However small or trivial it may seem to you, the complaint will be an important problem for anyone who takes the trouble to complain.
Treat every complaint individually	Even if you have received several complaints on the same day, it is probably the person's first chance to have their say.
Be courteous and patient	Be sympathetic and helpful, but do not blame other colleagues.
Say who you are	If you are unknown to the person, introduce yourself
Ask for their name and use it	Anonymous complaints are acceptable only where there are special circumstances.
Take time to find out exactly what the problem is	It is easy for someone to forget to tell you an important detail, particularly if they are upset or annoyed.
Don't take the complaint personally	To an angry person, YOU are the Trust and the only one who can put their feelings to right now
Stay cool and calm	Don't argue with the person – be polite and try to find out exactly what the person thinks is going wrong, or has gone wrong.
Ensure you are being understood	Make sure that the person understands what you are saying. Do not use jargon – it can cause confusion and annoyance to someone "not in the know".
Don't rush	Take your time. Let people have their say and let off steam if they need to. Listen carefully and sympathetically to their problems before replying and attempting to find a solution or offer the next step.

Appendix 3

The PROSPER Learning Trust Notification of Complaint

Please complete and return this form to the Headteacher/Head of School, who will acknowledge receipt and explain how this matter will be dealt with.

Your Name:

Pupil's/Student's Name:

Your relationship to the pupil/student:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

Please give details of your complaint:

**What action, if any, have you already taken to try and resolve your complaint?
(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 Trust/Academy use only

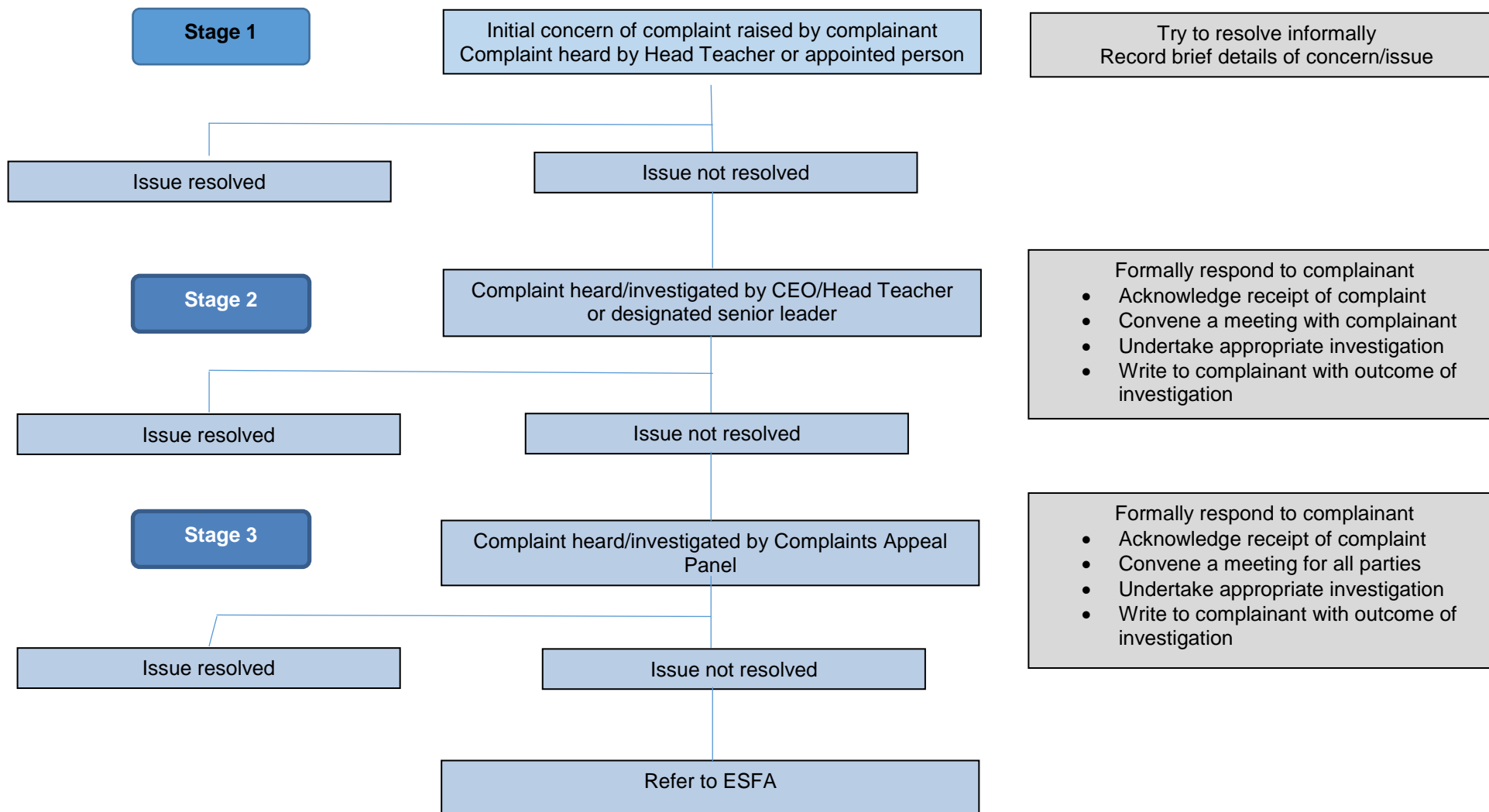
Date acknowledgement sent:

By whom:

Complaint referred to:

Date:

SUMMARY OF THE KEY PROCESS IN DEALING WITH COMPLAINTS



NB – complaints about CEO, Headteachers/Heads of School or governors will start at stage 3