

COMPLAINTS POLICY & PROCEDURE

Date of last review	July 2017	Date of next review	July 2020
Review period	Three years	Owner	CEO
Type of policy	Statutory		

This Complaints Policy applies to Paradigm Trust and its academies. It outlines the complaints procedure for parents and carers of pupils at a Paradigm academy, and other members of the public, who may have a complaint regarding the provision of facilities or services by the Trust or its academies.

This Procedure does not relate to Paradigm Trust employees, for whom there is a separate procedure for raising concerns or complaints with their employer (Grievance Procedure).

Sometimes, when concerns are more specific, there are alternative and more appropriate policies & procedures that apply. The following list details specific topics of complaints and the correct policy to refer to:

- Pupil admissions – please see the Trust's Admissions Policy or contact the relevant admissions authority;
- Pupil exclusions – please see the Trust's Behaviour Policy;
- Complaints that involve raising a genuine concern about a crime, criminal offence, miscarriage of justice, dangers to health and safety and of the environment – please refer to the Whistle Blowing Policy;
- Subject access requests and freedom of information requests – please see the Trust's Data Protection Policy.

1. Principles underpinning the Complaints Policy

- The person or persons making the complaint know/s that there is a procedure, which will be followed.
- Distinguishing and agreeing at the very earliest point between a concern (which would normally be raised in an informal way, with the class teacher or Principal as appropriate) and a complaint.
- Dealing with concerns swiftly and seriously with the intention of resolving the concern without resorting to the formal complaints procedure.
- Recognising that informal attempts to resolve the concern may not be possible in which case the complaints procedure will (subject to the above) be implemented.
- The Principal of each academy, or Chief Operating Officer where the concern or complaint relates to Central Services, will be responsible for ensuring the recording of all concerns and complaints, including their outcomes.
- Ensuring any investigation arising from the implementation of the complaints procedure is conducted in an impartial way, as swiftly

as reasonably possible, and that relevant parties are kept informed as appropriate. The outcome of investigations and any lessons learned will be used by the Trust to improve service delivery.

- Meeting legal obligations to provide this policy & procedure to those making a complaint, and outlining in this procedure the place of an appeal should it be necessary.
- Any complaint relating to extremism must be brought to the immediate attention of the Principal/Chief Executive Officer.

2. Recording complaints

All formal complaints will be recorded.

Records relating to individual complaints are confidential, except for limited circumstances in order to comply with the Data Protection Act or the Freedom of Information Act, or where the Secretary of State or a statutory body conducting an inspection has access to them.

The outcome of all formal complaints will be reported to the Operations and Finance Committee which will monitor the level and content of these complaints, and review the findings.

Informal complaints ('concerns') may be made verbally to staff (normally the class teacher or Principal) at the end of the school day, although appointments may be necessary to ensure the member of staff is available. The response to the concern may be oral or written. The Principal is responsible for ensuring staff make a record of all concerns raised, and their outcomes.

3. Managing and investigating formal complaints

The person investigating the complaint will at each stage of the procedure ensure that they:

- clarify the nature of the complaint and unresolved issues;
- identify what the person making the complaint thinks will put things right;
- interview those involved in the matter where they deem appropriate, giving consideration to any request for non-staff interviewees to be accompanied by a family member, friend, interpreter/translator or advocate. Interviewees may not be accompanied by someone who, taking into account their employment and qualifications, is deemed by the Trust to be a

legal representative (this includes barristers, solicitors, employees of solicitors, and legal executives). Employees of Paradigm Trust interviewed as part of this procedure may be accompanied by a work colleague or trade union representative.

- keep appropriate notes of any interviews held, and endeavor to have these and any written statements, signed and dated by the interviewee;
- reach a measured set of findings which may include an acknowledgement that the complaint is valid, either in whole or in part, and make recommendations for how things can be resolved or improved.

4. The complaints procedure

- I. The person making a formal complaint ("the complainant") should submit their complaint in writing, as soon as possible after the event complained of and normally no later than 3 months after such event, using the Formal Complaints form¹ attached as Appendix 1. The written complaint should provide details of:
 - the nature of the complaint, including as far as possible details of dates and individuals involved (such as witnesses);
 - any attempts made by the complainant to raise/resolve the complaint;
 - actions they feel might resolve the problem;
 - any staff they would not like to discuss the issue with. Whilst preferences on this will be taken into account, the academy and/or Trust as appropriate will ultimately decide who should be involved in the process for considering and investigating a complaint;
 - Additionally, the complainant should clearly indicate in their written complaint if they have any specific requests regarding confidentiality. The Trust/the academy will make all reasonable endeavours to respect such requests, although this may limit the amount of investigation the Trust/the academy is able to undertake into the complaint. Where it is not possible to respect a request for confidentiality, the Trust/academy will discuss this with the complainant, including any impact this may have on the complaint or the complainant's desire to pursue the complaint.

¹ Exceptions to the requirement to complete a Complaints Form may be permitted in some circumstances, e.g. where the complainant has a disability which makes it difficult for them to comply with the requirement,

II. The table below shows to whom the complaint should be made and who will deal with any subsequent appeal:

For a complaint concerning:	The complaint should be made to: ('decision maker')	Any appeal should be addressed to:	Any Complaints Appeal Panel will consist of:
A member of staff other than the Principal, at an academy	Principal	Chief Executive Officer (CEO) (or, in the absence of CEO, Company Secretary for the Trust)	Chair: CEO ² ; Plus: another senior staff member of the Trust not previously involved.
Central Services staff	Chief Operating Officer	Chief Executive Officer (or, in the absence of CEO, Company Secretary)	Chair: CEO ³ ; Plus: another senior staff member of the Trust not previously involved.
Principal	Chief Executive Officer (or, in the absence of CEO, Chief Operating Officer (COO))	Company Secretary for the Trust	Chair: Chair of the Board of Directors, or Vice Chair of the Board of Directors, or Chair of Operations & Finance Committee; Plus: another non-staff director
Chief Operating Officer	Chief Executive Officer (or, in the absence of CEO, any non-staff director)	Company secretary	Chair: Chair of the Board of Directors, or Vice Chair of the Board of Directors, or Chair of Operations & Finance Committee; Plus: another non-staff

² In the absence of the CEO, the appeal panel may be chaired by the Chief Operating Officer or a non-staff director

³ In the absence of the CEO the appeal panel may be chaired by a non-staff director

			director
Chief Executive Officer	Any non-staff director	Company Secretary	Chair: Chair of the Board of Directors; Plus: another non-staff director.
Director	Any non-staff director appointed by the Chair of the Board of Directors ⁴	Company Secretary	Chair: Chair of the Board of Directors ⁵ Plus: another non-staff director.

- III. The person to whom the complaint is made (the “decision maker”) will appoint an investigator who will acknowledge and investigate the complaint as expeditiously as possible. Endeavours will be made to agree the timeframe for response with the complainant at the outset. Any investigator appointed will not have any previous involvement in the matter under investigation, or have any known conflict of interest. Investigators may be internal, or external to the organisation. The investigator's report will be presented to the decision maker, who will decide whether to accept the investigator's findings, and provide a formal written response to the complainant.
- IV. The Trust reserves the right to deny investigation of any complaints which are considered to be vexatious or malicious, and those relating to a previous complaint that has already been investigated. In these cases, the person to whom the complaint is made will inform the complainant in writing that the procedure has been exhausted (or the reasons why the matter will not be investigated under this procedure) and that the Trust now considers the matter closed.
- V. The Principals and the Chief Executive Officer are responsible for ensuring this policy & procedure is implemented.

5. Appeals against the organisation’s response to a formal complaint

⁴ Unless the complaint is against the Chair of the Board of Directors, in which case a non-staff director appointed by the Vice Chair of the Board of Directors

⁵ Or, if the complaint is against the Chair of the Board of Directors, the Vice Chair of the Board of Directors

- I. If the complainant is not satisfied with the formal response, they can appeal to a more senior level (as detailed in 4,II above). A Complaints Appeal Panel will be convened within a reasonable period of time depending on the availability of the members making up the panel. Every effort will be made to deal with complaint appeals expeditiously.

Refer to Section 4 above for details of the constitution of the appeal panel. No member of the Complaints Appeal Panel will have had prior involvement in consideration of the complaint.

- II. Remit of the Complaints Appeal Panel.

The panel can:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint;
- recommend changes to the academy's or Trust's systems or procedures to ensure that problems of a similar nature do not reoccur.

- III. Complaints appeal proceedings

The Chair of the panel will have the discretion to decide the format for the appeal meeting. An example Order of Appeal Meeting is attached as Appendix 2 to this policy & procedure. This Order is based on the meeting bringing all parties together at the same time; however the Chair may decide on an alternative format if s/he believes this will be more helpful to the process.

The Appeal Panel may choose to be advised by an independent adviser, such as an HR adviser.

The Chair may, if appropriate, consult with the various parties regarding the most appropriate format for the appeal meeting.

The appeal meeting will be closed to the public.

In deciding the format for the appeal meeting, the Chair will take into account that the complainant may be unused to dealing with groups of people in formal situations and may feel inhibited. Parents/carers may also feel emotional about discussing an issue that affects their child. The Chair of the panel will ensure that the proceedings are as informal as the situation allows.

Whichever format is followed, those attending a Complaints Appeal Panel meeting may, at the Chair's discretion, be accompanied if

they so wish by a family member, friend, interpreter/translator or advocate, but not by someone who is deemed by the Chair of the panel, taking into account their employment and qualifications, to be a legal representative. Employees of Paradigm Trust may be accompanied by a work colleague or trade union representative.

IV. The Chair of the panel will be the contact point for the complainant (unless the complainant is advised otherwise). The Chair will be responsible for:

- setting the date, time and venue of the meeting
- collating any written material and ensuring it is sent to the relevant parties in advance of the hearing
- arranging for the recording of the proceedings
- notifying parties in writing of the panel's decision.

The decision of the appeal panel is final, subject to any subsequent referral to the EFA (see note below).

6. Note regarding the Education & Skills Funding Agency (ESFA)

In limited circumstances it is possible for complaints to be referred to the ESFA. The ESFA can consider complaints where it is alleged that:

a) the Trust has not complied with its own complaints policy or the policy does not comply with statutory requirements;

OR

b) the Trust has failed to comply with a duty imposed on it under its funding agreement with the Secretary of State. Details of how to complain can be found on: www.gov.uk/complaint-about-school

APPENDIX 1 – Formal Complaints Form

Name:	
Name of pupil, year group and your relationship to them (where applicable):	
Contact address:	
Contact telephone number (day time):	
Contact telephone number (mobile):	
Contact email address:	
Details of the complaint:	
Action taken so far (including staff member who has dealt with it so far) or solutions offered:	
The reason that this was not a satisfactory resolution for you:	
What action would you like to be taken to resolve this problem?	
Print name	Signature
Date	

APPENDIX 2 - example Order of Appeal Meeting

Appeal meeting at NAME OF ACADEMY
called to consider appeal under Paradigm Trust's Complaints Policy by
NAME OF COMPLAINANT

DATE

Introductions and order of the meeting (Chair)
Presentation of the appeal (complainant)
Questions to complainant (investigator ⁶ , panel)
Questions to any witnesses of the complainant (all parties)
Response by investigator (investigator) (N.B. See footnote below. If both the investigator and the decision maker attend the appeal meeting, the decision maker may also be asked to provide a response at this stage, and be asked questions)
Questions to investigator (complainant, panel)
Questions to any witnesses called by the investigator and/or the appeal panel (all parties)
Closing remarks (complainant, investigator)
Close (Chair)
Consideration of the appeal (appeal panel and adviser – closed deliberations)
Decision (Chair)

⁶ The Chair may decide that either the original investigator, or the decision maker, or both attend the appeal meeting. This format assumes that only the investigator attends.