



# Complaints Policy

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Approved by Chair \_\_\_\_\_

Review Date \_\_\_\_\_

## **GENERAL PRINCIPLES**

This procedure is intended to allow you to raise a concern or complaint relating to Shine Academies or any of its academies or the services that they provide.

The Trust has adopted this procedure for complaints from people who are parents/carers of pupils attending any of the academies at the time the complaint is made, or from people who are accessing the services of the Trust at the time the complaint is made.

The Trust will usually also follow this procedure when dealing with complaints from others, but reserves the right to substitute this procedure for an alternative process where it is appropriate to do so. Complainants will be informed about the procedure that will be used to consider their complaint as soon as possible after their complaint is received by the academy.

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

- Staff Grievances or Disciplinary Procedures
- Admissions
- Exclusions
- Issues Related to Child Protection
- Statements of SEND/EHC Plans

The aims of the procedure are:

- to deal with any complaint against the Trust or an academy or any individual connected with it by following the correct procedure
- to deal with all complaints thoroughly and in a timely manner and by being open, honest and fair when dealing with the complainant

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

### **Understanding this procedure**

In order to investigate your complaint as fully as possible, we have implemented a staged approach. We anticipate that almost all complaints that arise will be resolved at Stage 1 or Stage 2 below.

We expect our members of staff to be addressed in a respectful manner and for communication to remain appropriate at all times. The procedure under Part 2 will only be used on very rare occasions to deal with unreasonably persistent complainants or unreasonable complainant behaviour.

To enable a proper investigation, concerns or complaints should be brought to the attention of Shine Academies, or to the individual academy, as soon as possible. In general, any matter raised more than 3 months after the event being complained of will not be considered. However, the Trust may make exceptions to this.

If, at any stage, the Trust or the academy believes that the concern or complaint is vexatious, has insufficient grounds, has already been considered in full or has been closed, the Chief Executive Officer (CEO), or Chair of Governors/Trustees (as appropriate) may write to you to refuse to consider the concern or complaint under this procedure and the reasons why they are refusing to do so. In this eventuality, the individual with the concern or complaint may proceed directly to Stage 4 of this procedure.

An anonymous concern or complaint will not be investigated under this procedure unless there are exceptional circumstances.

If it becomes necessary to alter the time limits and deadlines set out within this procedure, you will be advised accordingly and given an explanation as to why this has been the case and provided with revised timescales.

A written record will be kept of all complaints, including at what stage they were resolved. Correspondence, statements and records relating to individual complaints will be kept confidential except where access is requested by the Secretary of State or where disclosure is required in the course of an academy inspection or under other legal authority.

In this procedure:

- “school days” excludes weekends, bank holidays and academy holidays
- “parent” means a parent, carer or anyone with legal responsibility for a child

## **PART ONE - RAISING A CONCERN OR COMPLAINT**

### **STAGE 1 Informal Stage**

Many concerns can be resolved by simple clarification or the provision of information.

Where a complaint is about Shine Academies or any of its academies, it is normally appropriate to communicate directly via the Company Secretary. This may be by email, letter, by telephone or in person by appointment, requested via the Trust office. Where the complaint is about a member of staff, it is normally appropriate to communicate directly with them in the first instance. This may be by email, letter, by telephone or in person by appointment, requested via any of the individual academy offices.

Where a complaint concerns your child or a child attending an academy, it is normally appropriate to communicate directly with the child's class teacher, or the academy's Head of School. Where the complaint is about a member of academy staff, it is normally appropriate to communicate directly with them in the first instance. This may be by email, letter, by telephone or in person by appointment, requested via the academy office.

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. If you wish to hold a meeting to discuss your concern or complaint, please explain the nature of your concern or the complaint in confidence via the academy office.

In the case of serious concerns it may be appropriate to address them directly to the CEO, via the Company Secretary, if the complaint is about a Head Teacher, Head of School or Chair of Governors. If you are uncertain about who to contact, please seek advice from the academy office.

It is anticipated that most complaints will be resolved by this informal stage within 15 working school days of being notified of the complaint.

### **STAGE 2 Formal Stage**

If your concern or complaint is not resolved to your satisfaction at the informal stage or you wish the complaint to be dealt with immediately as a formal complaint, you should put your complaint in writing.

- If your complaint is about the CEO, your complaint should be sent to the Shine Academies Chair of Trustees, via the Company Secretary.
- If your complaint is about a Head Teacher or Head of School, your complaint should be sent to the Shine Academies CEO via the Company Secretary.

Your written complaint should include details which might assist the investigation, such as the nature of the complaint, details of how the matter has been dealt with so far, the names of potential witnesses, dates and times of events and copies of all relevant documents. It is very important that you include a clear statement of the actions that you would like the academy to take to resolve your concern.

Your written complaint will be acknowledged within 5 school days of receipt. You may be invited to a meeting to clarify your concerns and to explore the possibility of an informal resolution. If you accept that invitation, you may be accompanied by one other person such as a relative or friend, who should not be a qualified in the legal profession, to assist you in explaining the nature of your concerns. Where possible, this meeting will take place within 10 school days of receipt of the written complaint. Where you decline the invitation to a meeting or the complaint cannot be resolved through a meeting arrangements will be made for the matter to be formally investigated.

If necessary, witnesses will be interviewed and statements taken from those involved. If the complaint centres on a pupil, the pupil should also be interviewed. If a member of staff is complained against, they must have the opportunity to present their case.

Once all the relevant facts have been established as far as possible, you will be provided with a written response to the complaint, including a full explanation of the decision and the reasons for it. This will include what action the academy will take to resolve the complaint (if any). You will be advised that if you are dissatisfied with the outcome of the complaint, you may request that your complaint be heard by the Review Panel.

Following investigation, the CEO, or Chair of Governors/Trustees (as appropriate) will notify you in writing of their decision and the reasons for it. Where possible, this will be within 15 school days of receipt of the complaint.

If in the early stages of the investigation, the CEO considers that the complaint is best dealt with immediately at Stage 3, it will be passed to the Chair of the **Directors**/Governors and you will be informed of this action without delay.

### **What if the complaint is about the CEO, Head Teacher or a Head of School?**

In the case of complaints regarding Shine Academies, the CEO, Head Teacher or Head of School please forward documentation to:

Company Secretary  
Shine Academies  
Collingwood Road  
Wolverhampton  
WV10 8DS

### **What if the complaint is about a Governor?**

You should contact the Chair of the Local Governing Body (LGB) who will investigate the concerns in accordance with Stage 2. If the complaint is about the Chair of the LGB you should contact the **Vice Chair**, via the Company Secretary of the academy.

If the complaint is about the LGB as a whole, you should send your complaint to the Chair of the Trustees, via:

Company Secretary  
Shine Academies  
Collingwood Road  
Wolverhampton  
WV10 8DS

### **STAGE 3 Review Panel Hearing Stage**

If you are dissatisfied with the decision of the CEO/Chair of Trustees (in the case of Shine Academies complaints) under the Formal Stage, you may request that a Review Panel of the Trust is convened to reconsider your complaint. Your request will only be considered if you have completed the relevant procedures at Stages 1 and 2. To request a hearing by the Review Panel, you should write to the Company Secretary within 10 school days of receiving notice of the outcome of the Formal Stage.

If you are dissatisfied with the decision of the CEO/Head of School/Chair of Trustees (in the case of individual academy complaints) under the Formal Stage, you may request that a Review Panel of the governing body is convened to reconsider your complaint. Your request will only be considered if you have completed the relevant procedures at Stages 1 and 2. To request a hearing before the Review Panel, you should write to Company Secretary within 10 school days of receiving notice of the outcome of the Formal Stage.

You should ensure that you provide copies of all relevant documents and state all the grounds for your complaint and the outcome that you desire. The Company Secretary will acknowledge your request in writing within 5 school days of receipt.

**The review will be conducted by a panel of at least 3 members who were not directly involved in the matters detailed in the complaint.** The panel members will consist of two Directors (in the case Shine Academies complaints) or two governors of the academy (in the case of complaints to an academy) and one other person who is independent of the management and running of the Trust/academy.

Every effort will be made to enable the hearing to take place within 20 school days of the receipt of your request. As soon as reasonably practical, and in any event at least 5 working days before the hearing, you will be sent written notification of the date, time and place of the hearing, together with brief details of the Panel members who will be present. Fair consideration will be given to any bona fide objection to a particular member of the Panel. Copies of any additional documents you wish the Panel to consider should be sent to the Company Secretary at least 3 days prior to the hearing. The Panel reserves the right not to consider any documentation presented after this.

A copy of the complaint and any other documents provided by you in support of your complaint, or by the Trust/academy in defence of the complaint, will be provided to the Review Panel as soon as practicable upon receipt. Copies of these documents shall also be provided to you or CEO at least 3 school days before the hearing. The Review Panel reserves the right not to consider any documentation presented by either you or the academy, less than 3 school days prior to the hearing. The Review Panel is under no obligation to hear oral evidence from witnesses, but may do so and/or may take written statements into account.

You will be asked to attend the hearing and may be accompanied by one other person such as a relative or friend, who should not be legally qualified. The Company Secretary or nominated deputy will also attend the hearing in order to keep a record of the proceedings.

The Review Panel will be conducted in such a way as to ensure that all those present have the opportunity of asking questions and making comments in an appropriate manner. The Panel is under no obligation to hear oral evidence from witnesses but may do so and/or may take written statements into account.

Unless otherwise stated, the procedure for an appeal is as follows:

- the complainant and CEO will enter the hearing together
- the Chair of the Review Panel will introduce the panel members and outline the process
- the complainant will explain the complaint
- the CEO and committee members will question the complainant
- the CEO will explain the Trust/academy's actions
- the complainant and the committee members will question the CEO
- the complainant will sum up their complaint
- the CEO will sum up the Trust/academy's actions
- the Chair of the panel will explain that both parties will hear from the committee within 5 school days
- both parties will leave together while the panel decides
- the Clerk will stay to assist the panel with its decision making

After the hearing, the Panel; will consider their decision and inform you and the CEO of their decision in writing within 5 school days. Where relevant, a copy of this letter will also be sent to the complained about.

The letter will set out the decision of the committee together with the reasons underpinning that decision.

The Panel can:

- Request further information from you and/or the academy to assist them in making their decision
- 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 systems or procedures to ensure that problems of a similar nature do not reoccur

#### **STAGE 4 Referral to the Education and Skills Funding Agency (ESFA)**

If you are dissatisfied with the decision of the Review Panel, you are entitled to refer your complaint to the Education and Skills Funding Agency who have limited powers to review the academy's handling of the complaint in accordance with EFA's 'Procedure for dealing with complaints about Academies'.

#### **RECORDS OF COMPLAINTS**

A written record will be kept of all complaints, including at what stage they were resolved. Correspondence, statements and records relating to individual complaints will be kept confidential, except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

## **PART TWO - UNREASONABLY PERSISTENT COMPLAINANTS AND UNREASONABLE COMPLAINANT BEHAVIOUR**

There are rare circumstances where we will deviate from the Complaints Procedure set out in Part One. These include, but are not necessarily limited to:

- where the complainant's behaviour towards staff, members of the Governors or Directors is unacceptable, for example, is abusive, offensive or threatening;
- where, because of the frequency of their contact with the Trust/academy, the complainant is hindering the consideration of their or other people's complaints and/or the proper running of the Trust/academy;
- where the complainant's complaint is vexatious and/or has patently insufficient grounds;
- where the complainant's complaint is the same, similar to or based on the same facts of a complaint which has already been considered in full by the Trust/academy.

In these circumstances, we may:

- inform the complainant that their behaviour is unacceptable or unreasonably persistent and ask them to change it;
- restrict the complainant's access to the Trust/academy eg requesting contact in a particular form (for example, letters only), requiring contact to take place with a named person only, restricting telephone calls to specified days and times or banning the complainant from the academy's premises;
- conduct the Review Panel on the papers only ie not hold a hearing;
- refuse to consider the complaint and refer the complainant directly to Stage 4.

In all cases we will write to tell the complainant why we believe his or her behaviour is unacceptable or unreasonably persistent, what action we are taking and the duration of that action.

Where the behaviour is so extreme that it threatens the immediate safety and welfare of staff, members of the Governors or Directors, we will consider other options, for example reporting the matter to the Police or taking legal action. In such cases, we may not give the complainant prior warning of that action.