

# **SAFFRON ACADEMY TRUST**



## **Complaints Policy and Procedure - SAT central services employees / CEO**

**Date adopted or ratified: Feb 2021**

**This policy is regularly reviewed following recommended guidelines**

## **1. Scope**

This policy sets out for all employees of Saffron Academy Trust (permanent, fixed term and casual), as well as parents and all other external parties how complaints should be submitted when they concern SAT central services employees or the CEO and how they will be dealt with by Saffron Academy Trust.

*Note; Saffron Academy Trust will be referred to as SAT or the Trust in this document.*

## **2. Framework of principles**

Our Complaints Procedure:

- encourages resolution of problems by informal means wherever possible
- is easily accessible and publicised
- is simple to understand and use
- is impartial
- is non-adversarial
- allows swift handling within agreed time-limits for action and keeping people informed of progress
- ensures a full and fair investigation
- respects people's desire for confidentiality
- addresses all the points at issue and provides an effective response and appropriate redress, where necessary
- provides information to the Trust's senior management team so that services can be improved

## **3. Who can complain?**

Any person, including members of the general public, may make a complaint about any provision of facilities or services that a SAT central services employee or the CEO provides, unless separate statutory procedures apply (such as exclusions or admissions).

## **4. Investigating Complaints**

There are two stages to this SAT complaints procedure. Stage one will be conducted by the CEO or, in the case of a complaint against the CEO, the Chair of the Trust. If the complainant is not satisfied with the outcome of stage one and wishes to start stage two, the complainant should write to the Clerk to the Trust Board asking for the complaint to be heard before a Complaint Panel.

At each stage, the person investigating the complaint makes sure that they:

- establish what has happened so far, and who has been involved
- clarifies the nature of the complaint and what remains unresolved
- meets with the complainant or contacts them (if unsure or further information is necessary)
- clarifies what the complainant feels would put things right
- interviews those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- conducts the interview with an open mind and is prepared to persist in the questioning
- keeps notes of the interview(s)

## 5. Resolving Complaints

At each stage in the procedure the Trust will keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an apology
- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that the event complained of will not recur
- an explanation of the steps that have been taken to ensure that it will not happen again
- an undertaking to review Trust policies in light of the complaint

It would be useful if complainants were encouraged to state what actions they feel might resolve the problem at any stage. An admission that the Trust could have handled the situation better is not the same as an admission of negligence.

## 6. Persistent and/or Unreasonable Complaints

Where a complainant raises an issue that has already been dealt with via the Trust's complaints procedure, and that procedure has been exhausted, the Trust will not reinvestigate the complaint except in exceptional circumstances, for example where new evidence has come to light.

If a complainant persists in raising the same issue, the CEO or Chair of the Trust (as appropriate) will write to them explaining that the matter has been dealt with fully in line with the complaints procedure, and therefore the case is now closed. The complainant will be provided with the contact details of the Education and Skills Funding Agency (ESFA) if they wish to take the matter further.

Examples of persistent and/or unreasonable complaints include, but are not limited to:

- The complainant refuses to co-operate with the school's relevant procedures
- The complainant changes the basis of the complaint as the complaint progresses
- The complainant seeks an unrealistic outcome
- Excessive demands are made on the time of staff and trustees and it is clearly intended to aggravate
- The complainant acts in a way that is abusive or offensive

***For full details please see the SAT Policy on the management of unreasonable and/or persistent complainant behaviour***

## 7. Time-limits; Submitting and Considering Complaints

The Trust has accepted the view of the Department for Education that a complainant should normally be expected to lodge their complaint within 90 school days of the event being complained about. The 90 school day limit has been established because investigation is more difficult after a period of time: memories may not be as clear as they would have been earlier, records may not be as readily available and witnesses may not be employed at the school. A delay in making a complaint may also disadvantage any person who is the subject of it, making it more challenging for them to defend themselves for the same reasons.

In exceptional circumstances, the CEO or Chair of the Trust (as appropriate), will consider complaints submitted outside this timeframe. In such instances the complainant will need to offer an explanation as to why there has been a delay in making a complaint.

Where a number of complaints are made in one letter of complaint, some of which lie outside the timeframe, the CEO or Chair of the Trust (as appropriate) will determine which complaints can be considered, taking account of their relevance to the substantive complaint or complaints made within the timescale.

Complaints need to be considered, and resolved, as quickly and efficiently as possible using time limits published in this policy. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

## **8. Publicising the Complaints Policy and Procedure**

The law imposes a duty on Trusts to publicise their complaints procedure. This is done through:

- making copies of the procedure available through each school in the Trust (clearly this should be easily accessible without a potential complainant being asked the reason why it is being requested)
- including the procedure on the Trust website, ensuring that it is easy to find through a link from the first page

## **9. Confidentiality**

9.1 The investigation of any complaint will be kept confidential at all stages and any papers provided to those investigating, or adjudicating on complaints will be marked confidential and destroyed, except for the file copy, which itself will be confidential.

9.2 Correspondence, statements and records relating to individual complaints are to 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.

## **10. Complaints about SAT central services employees or the CEO**

### **Stage One:**

If a complaint is about a SAT central services employee, then the complaint should be sent to the CEO to be investigated.

The CEO will write to the complainant acknowledging the complaint within **3 academy term time days** of the date that the written request was received. The acknowledgement will confirm that the complaint will now be investigated and will confirm the date for providing a response to the complainant.

Following the investigation, the CEO will write to the complainant confirming the outcome within **10 academy term time days** of the date that the letter was received. If this time limit cannot be met, the CEO will write to the Complainant explaining the reason for the delay and providing a revised date.

If the complaint concerns the CEO or a Trustee, the complaint should be investigated by the Chair of the Trust Board. If a formal complaint form is received about the Chair, the complaint will be referred to the Vice Chair for investigation

*NB. Where the Chair of the Trust Board has investigated the complaint, they will write the letter of outcome to the Complainant and provide a copy to the CEO.*

### **Stage Two:**

If the complainant is not satisfied with the outcome of stage one, the complainant should write to the Clerk to the Trust Board asking for the complaint to be heard before a Complaint Panel, within 10 academy term time days.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 3 academy term time days.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 20 academy term time days of receipt of the Stage two request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire trust board or
- the majority of the trust board

Stage two will be heard by a completely independent committee panel.

The Complaint Panel will consist of three members. None of the three members of the Complaint Panel will have been involved in the incidents or events which led to the complaint, or have been involved in dealing with the complaint in the previous stage, or have any detailed prior knowledge of the complaint.

One of the Complaint Panel members will be independent of the management and running of the Trust. This means that the independent Complaint Panel member will not be a Trustee or an employee of the Trust.

A complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate.

For instance, if a trust employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

*Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.*

Representatives from the media are not permitted to attend.

At least 5 school days before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible

Any written material will be circulated to all parties at least 5 school days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The committee will also not review any new complaints at this stage or consider evidence unrelated to the

initial complaint to be included. New complaints must be dealt with from Stage one of the procedure.

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 must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

The committee will consider the complaint and all the evidence presented. The committee can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part

If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken 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 Committee will provide the complainant and the Trust with a full explanation of their decision and the reason(s) for it, in writing, within 5 school days.

The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by the Trust.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions The Trust will take to resolve the complaint.

The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on request.

A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing.

## **11. Roles and Responsibilities**

### **11.1 The Role of the Clerk**

The clerk is the contact point for the complainant and is required to:

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible
- collate any written material and send it to the parties as appropriate in advance of the hearing
- meet and welcome the parties as they arrive at the hearing
- record the proceedings
- notify all parties of the panel's decision

### **11.2 The Role of the Chair of the Panel.**

The Chair of the Panel has a key role, ensuring that:

- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption
- the issues are addressed
- key findings of fact are made
- parents and others who may not be used to speaking at such a hearing are put at ease
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy
- the panel is open minded and acting independently
- no member of the panel has any involvement in an earlier stage of the procedure
- each side is given the opportunity to state their case and ask questions

## **12. Communicating the Outcome**

12.1 The matter should remain confidential. The Clerk will communicate the outcome, and set out the reasons for it, in a letter to the complainant, the outline of which will have been formulated by the Review Panel in the meeting. The final version will be agreed and signed by the Chair of the Panel. It is essential that the review decision letter is sent to all the parties at the same time. This will be in the form of an email or letter, depending on the style of communication that has been used by the complainant during the process. Whilst the letter should avoid unnecessary detail, there should be sufficient information to demonstrate that the review was considered in full.

12.2 The findings and recommendations of the panel will be available for inspection on request.

12.3 If the complainant believes the trust did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the ESFA after they have completed Stage two.

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by the academy. They will consider whether the Trust has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed [Part 7 of the Education \(Independent School Standards\) Regulations 2014](#).

The complainant can refer their complaint to the ESFA online at: [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus), by telephone on: 0370 000 2288 or by writing to:

Academy Complaints and Customer Insight Unit  
 Education and Skills Funding Agency  
 Cheylesmore House  
 5 Quinton Road  
 Coventry  
 CV1 2WT

## **Appendix 1: Complaint procedure summary with recommended timings**

### **STAGE ONE**

The complainant should submit a formal complaint within 90 school days of the cause for complaint.

If a complaint is about a SAT central services employee, then the complaint should be sent to the CEO to be investigated. If the complaint concerns the CEO or a Trustee, the complaint should be investigated by the Chair of the Trust Board. If a formal complaint form is received about the Chair, the complaint will be referred to the Vice Chair for investigation.

- Received by CEO / Chair or Vice Chair of Trust
- Acknowledgement – 3 academy term time days
- Investigation (including any discussion with the complainant)
- Formal Response (from the CEO / Chair or Vice Chair) – 10 academy term time days from receipt

### **STAGE TWO (up to 20 school days total)**

Request for review of decision – Complaint Panel

- Received by Clerk to the Trustees (within 10 days of the initial decision being made)
- Acknowledgement – 3 academy term time days
- Meeting – 20 academy term time days
- Papers sent out – 5 days prior to meeting

The conclusion of Stage 2 brings to an end the Trust's role in considering the complaint. Complainants who remain dissatisfied may wish to contact the ESFA.

### **Contact details:**

The Clerk to the Board of Trustees  
Saffron Academy Trust  
Saffron Walden County High School  
Audley End Road  
Saffron Walden  
Essex CB11 4UH

Email: [enquiries@saffron.academy](mailto:enquiries@saffron.academy)

Tel: 01799 513030



## Appendix 2: Model forms

### 1. Meeting Request Form – Stage One

I wish to meet [CEO / Chair of Trust] to discuss the following matter:

Your name: Relationship with Trust:

Pupil's name (if relevant to the matter to be discussed)

Your Address:

Telephone numbers

Daytime:

Evening:

E-mail address:

Signed ..... Date .....

*Please complete this form and return it to the Trust, c/o Clerk to the Board of Trustees, Saffron Academy Trust, Saffron Walden County High School, Audley End Rd, Saffron Walden, CB11 4UH or e-mail to: enquiries@saffron.academy*

Please give concise details of your complaint (including dates, names of witnesses etc...), to allow the matter to be fully investigated: You may continue on separate paper, or attach additional documents, if you wish.

Number of Additional pages attached =

What action, if any, have you already taken to try to resolve your complaint? (i.e. who have you spoken with or written to and what was the outcome?)

What actions do you feel might resolve the problem at this stage?

**Trust use:**

Date Form received:

Date response sent:

Received by:

Response sent by:

Complaint referred to:

Date:

## 2. Trust Complaint Review Request Form - Stage Two

Please complete this form and return it to the Clerk to the Trust Board, who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name:

Your Address:

Telephone numbers

Daytime:

Evening:

E-mail address:

I submitted a formal complaint to the Trust on .....and am dissatisfied by the procedure that has been followed. My complaint was submitted to ..... and I received a response from ..... on ..... . I have attached copies of my formal complaint and of the response(s) from the Trust. I am dissatisfied with the way in which the procedure was carried out, because:

You may continue on separate paper, or attach additional documents if you wish.

Number of Additional pages attached =  
What actions do you feel might resolve the problem at this stage?

**Trust use:**

Date Form received:

Date response sent:

Received by:

Response sent by:

Request referred to:

Date: