



COMPLAINTS POLICY

The Kemnal Academies Trust

Version: 2

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COMPLAINTS POLICY

Rationale

This policy is intended to set out how The Kemnal Academies Trust will deal with complaints from parents, students and the public, who should feel able to express their views knowing that they will be dealt with fairly. Staff wishing to make a complaint should follow the Grievance Resolution policy.

The procedures within this policy should only be invoked where the complaint is directly against the Trust.

This policy does not cover those aspects of school life where the law sets specific complaints procedures i.e. admissions and exclusions.

This policy is intended to comply with Schedule 1, Part 7 of the Education (Independent School Standards) (England) Regulations 2014 (as amended), which governs academies.

Aims

This policy aims to provide parents, students and the public with an accessible and easily understood procedure for complaints. The Trust would encourage parents and students to express their views at the earliest opportunity and through the appropriate channels. Parents should be assured that making a complaint will not adversely affect their child.

Complaints received to TKAT relating to an individual academy will be referred back to the Academy to deal with under their policy.

The Trust will try to resolve every concern, difficulty or complaint in a positive way with the aim of putting right a matter which may have gone wrong and, where necessary, reviewing the Trust's systems and procedures in the light of the matters raised. The Trust expects all parties involved in a complaints procedure to behave in a calm, civil and reasonable manner. The Trust will not tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

Outcomes

Examples of outcomes include:

- There was insufficient evidence to reach a conclusion, so the complaint cannot be upheld;
- The investigation did not substantiate the matters raised, so the complaint cannot be upheld, and is dismissed;
- The complaint was substantiated in part or full. A description should be given of the remedial action being taken by the Trust as a consequence of the complaint;
- The matter has been fully investigated and, as a consequence, further confidential procedures are being pursued.
- Financial compensation is not a possible outcome at any stage of this policy.

None of the above will constitute an admission of negligence or an acceptance of liability on behalf of the The Kemnal Academies Trust.

Details of any disciplinary action or sanctions to be taken against a member of staff are strictly confidential and cannot be disclosed. This is in compliance with employment law.

Procedure

The expectation is that all concerns and difficulties should be dealt with informally under stage 1 in the first instance, via enquiries@tkat.org who will direct it to the most appropriate member of staff.

If an acknowledgement is not received within **2 school days** the Trust should be contacted on the main telephone number: 020 3740 1808. Any emails should be directed to enquiries@tkat.org rather than a member of staff, to ensure that the query is addressed promptly.

For equality of access to this procedure – see Section 8.

The Trust reserves the right (in exceptional cases only) to consider the complaint as misconceived or otherwise unreasonable. Section 6 of this policy gives further details. Further points about procedure will be contained within each stage of the policy.

Stage One - Informal Complaint

- 1.1 On many occasions, minor concerns can be resolved through the appropriate member of staff. In any event, a record of all concerns, however minor, will be retained centrally at the Trust.
- 1.2 If the person first contacted cannot deal with the concern immediately or is not the most appropriate person to deal with it, they will refer the matter to the appropriate Director of the Trust available at the time. The Complainant can also request that their concern is referred to a specific member of staff (as above) whilst still keeping the matter at this informal stage.
- 1.3 In certain circumstances, the Chief Executive Officer (CEO) may personally decide to deal with concerns informally under this stage.
- 1.4 If the complaint relates to the CEO, the Complainant should contact the Chair of the Board via enquiries@tkat.org to enable the complaint to be resolved informally. If this is not possible or the complaint cannot be resolved informally, the Complainant should contact the Chair of the Board, who will investigate the complaint under stage 2 of this policy instead of the CEO.
- 1.5 Complaints made informally to Board will be referred to the CEO and will be dealt with as appropriate under this policy.
- 1.6 The person dealing with the complaint must make clear to the Complainant what action or monitoring of the situation will take place. Where appropriate, this will include what action will be taken in response to the concern and could include an explanation, a specific outcome, an apology, or a revision of procedure. This will only be put in writing to the Complainant if it seems the best way of making points clear.
- 1.7 Where no satisfactory solution has been found, or if the member of staff considers the concerns raised should be dealt with as a formal complaint immediately, the Complainant will be advised that they should put their complaint in writing to the CEO under Stage 2 of this policy.

Stage Two - Formal Complaint to the CEO

- 2.1 Formal complaints under Stage 2 should be made in writing to the CEO. The Complainant should clearly set out the nature of the complaint and if appropriate explain how they would like to see the matter resolved. Where the complaint is about the CEO, the Chair of the Board will deal with the complaint under this stage, and may appoint an independent Investigating Officer to work on his or her behalf. Where the complaint is about the Chair of the Board, the Vice Chair will deal with the complaint

under this stage, and may appoint an independent Investigating Officer to work on his or her behalf.

2.2 In appropriate cases, the CEO may delegate the complaint to a senior member of staff to act as their designate, and/or appoint an Investigating Officer.

- 2.3 At this stage a central record will be kept of the complaint, all documentation and its outcomes by the CEO or their designate.
- 2.4 The CEO (or designate) will acknowledge the complaint in writing within **3 school days** of receiving the written complaint. The acknowledgement will give a brief explanation of the procedure for dealing with complaints as outlined in this policy, and confirm a date for providing a response. This will normally be within **15 school days**. If it is not possible to comply with this time limit, a letter will be sent to the Complainant explaining the reason for the delay and giving a revised target date. Where the complaint is received during a school holiday or within 10 school days from the end of a term or half term, the CEO (or designate) will endeavour to expedite the investigation but this can be when the new term begins.
- 2.5 The CEO (or designate or Investigating Officer) may (but does not have to) provide an opportunity for the Complainant to meet with them to supplement any information provided. The Complainant may, if he or she wishes, be accompanied at any meeting by a friend or relative, who can speak on his or her behalf, and he or she will be asked if he or she has any special requirements that the Trust need to be aware of, for example wheelchair access, signing, etc. This meeting may result in an agreed outcome, which the Trust will confirm in writing and the complaint would then be considered resolved.
- 2.6 The CEO (or designate or Investigating Officer) will be provided with any documentation from Stage 1 (if applicable), and will then proceed to investigate the complaint. The CEO (or designate) will interview witnesses and take statements from those involved. If a member of staff is the subject of the complaint, that member of staff will be given the option of having another member of staff or union representative present when they are interviewed.
- 2.7 The CEO (or designate or Investigating Officer) must keep a written record of any meetings or telephone conversations, and must retain any other relevant documentation. Students or members of staff interviewed will be asked to read, sign and date the written record to confirm that it is accurate. In the case of students, the adult present at the meeting will also be asked to sign and date the record of the conversation.
- 2.8 If the investigation has been carried out by an Investigating Officer, they will summarise their findings in a report for the CEO (or designate). Appendices to this report will include notes from meetings and all other relevant documentation.
- 2.9 Once all of the relevant facts have been established, the CEO (or designate) will provide a written response to the Complainant, and may (but does not have to) meet with the Complainant to discuss or resolve the matter directly. Again, the Complainant can be accompanied at any such meeting, as outlined above.
- 2.10 The written response will set out the individual matters raised by the Complainant, the findings made by the CEO (or designate) during the course of the investigation, and the conclusion reached. Where appropriate, this will include what action will be taken in response to the complaint and could include an explanation, a specific outcome, an apology, or a revision of procedure. The letter will inform the Complainant that, if they are unsatisfied with the outcome of the Stage 2 investigation, they should write to enquiries@tkat.org within **10 school days** of receipt of the letter to request that his or her complaint and the Stage 2 investigation be reviewed by the Chair of the Board under Stage 3 of this Complaints Policy.

Stage Three – Review by the Chair of the Board

- 3.1 The request for a review of the Stage 2 decision by the Chair of the Board should be made in writing within **10 school days** of receipt of the outcome letter. **If the complaint is about the CEO or the Chair**

of Board, please refer to paragraphs 3.8 and 3.9.

- 3.2 The Complainant should not repeat the matters raised in their original letter or attach documentation already provided, but should clearly set out how and why the Complainant does not accept the findings made under Stage 2, and how the Complainant feels this matter could be resolved.
- 3.3 The Chair of the Board will acknowledge the request in writing within **5 school days** of receipt. The letter will give a brief explanation of the review procedure as outlined in this policy, and confirm a date for providing a response. This will normally be within **20 school days**. If it is not possible to comply with this time limit, a letter will be sent to the Complainant explaining the reason for the delay and giving a revised target date.
- 3.4 The Chair of the Board will be provided with all relevant paperwork relating to the complaint. The Chair should focus on deciding whether the findings and conclusion under Stage 2 were reasonable, making specific reference to any points raised by the Complainant. Should the Chair require further clarification, he/she may (but does not have to) speak to the Complainant, students (who will be accompanied, as outlined above), or members of staff during the course of his or her review.
- 3.5 The Chair of the Board must keep a written record of any meetings or telephone conversations, and must retain any other relevant documentation. Students or members of staff interviewed will be asked to read, sign and date the written record to confirm that it is accurate. In the case of students, the adult present at the meeting will also be asked to sign and date the record of the conversation.
- 3.6 Once the review has been completed, the Chair of the Board may (but does not have to) meet with the Complainant to discuss or resolve the matter directly. The Complainant can be accompanied at any such meeting, as outlined above. This meeting may result in an agreed outcome, which the Chair will confirm in writing and the complaint would then be considered resolved.
- 3.7 The Chair of the Board will provide a written response which will set out whether he/she agrees with the findings and conclusion under Stage 2, and give reasons, as well as responding to any concerns about the Stage 2 investigation.
- Where appropriate, this will include what action will be taken to resolve the complaint and could include an explanation, a specific outcome, an apology, or a revision of procedure. The letter will inform the Complainant that, if they are unsatisfied with the outcome of the Stage 3 review, he or she should write to enquiries@tkat.org within **10 school days** of receiving the outcome letter to request a Complaint Panel Hearing.
- 3.8 Where the complaint is about the CEO and the Chair of the Board has dealt with the complaint at Stage 2, the Complainant should ignore Stage 3 and write to enquiries@tkat.org within **10 school days** of receiving the stage 2 outcome letter to request a Complaint Panel Hearing.
- 3.9 Where the complaint is about the Chair of the Board the Complainant should ignore Stage 3 and write to enquiries@tkat.org within **10 school days** of receiving the stage 2 outcome letter to request a Complaint Panel Hearing.

Stage Four - Complaint Panel Hearing

- 4.1 If the Complainant is unsatisfied with the outcome of the review under Stage 3 of this Complaints Policy, the Complainant may write to Clerk to the Board via enquiries@tkat.org requesting a Complaint Panel Hearing. The Complainant should write to the Clerk to the Local Governing Body within **10 school days** of receiving the letter confirming the outcome following Stage 3.
- 4.2 The Complainant should not repeat the matters raised in their original letter or attach documentation already provided, but should clearly set out how and why the he or she does not accept the findings

made under Stages 2 and 3.

- 4.3 The Clerk to the Board will write to the Complainant to acknowledge receipt of the request within **5 school days** of receiving the letter. The letter will inform the Complainant that the complaint will be heard by the Complaint Panel within **20 school days** of receiving the request. The letter will also confirm that the Complainant has the right to submit any further documents relevant to the complaint and request the attendance of witnesses on their behalf. The letter will ask for any such documents and/or information about witnesses to be sent to enquiries@tkat.org within **5 school days** of receipt of the acknowledgement letter.
- 4.4 If the Complainant wishes to rely on the account of a witness, they should ask the witness to write down, sign and date their account. This should be included in the documentation forwarded to Clerk to the Board via enquiries@tkat.org or posted to The Atkins Centre (Kemnal Technology College, Sevenoaks Way, Sidcup, Kent, DA14 5AA). Any written accounts provided by the Complainant from witnesses under the age of eighteen must be signed and dated by the witness **and** one of the witness' parents or carers.
- The Complainant should also provide, within **5 school days** as above, the names of any witnesses they would like to attend the hearing to give a verbal statement, stating why their attendance is required. The Chair of the Complaint Panel reserves the right to make the final decision about who may or may not attend the panel hearing. Where a witness has previously given a written account which is largely undisputed, the Chair may decide in advance that they do not need to attend the Complaint Panel Hearing to give a verbal statement.
- 4.5 The Clerk to the Board will make arrangements to convene the Complaint Panel within **20 school days** of receiving the request. The panel will consist of three members who will have had no involvement in the subject matter of the complaint, no involvement in dealing with the complaint in the previous stages, and no detailed knowledge of the complaint. One of the members of the Complaint Panel will be independent of the running and management of the Trust (i.e. they will not be a Director of The Kemnal Academies Trust, or an employee of the Trust). The Clerk will ask the members of the panel to decide who will act as Chair of the panel.
- 4.6 The Clerk to the Board will write to the Complainant, the Trust representative, any relevant witnesses and the Complaint Panel informing them of the date, time and venue of the Complaint Panel Hearing as soon as possible, but at least **5 school days** in advance. The letter to the Complainant will inform him/her of the names of the complaint panel members and their roles, and confirm that he or she also has the right to be accompanied by a friend or relative for support, and an interpreter or signer if necessary. The letter will also explain how the Complaint Panel Hearing will be conducted and will include the details of the procedure to be followed at the meeting.
- 4.7 All relevant correspondence and documentation regarding the complaint will be provided to the Complainant and the Complaint Panel at least **5 school days** prior to the Complaint Panel Hearing. This should include all letters and relevant documentation/witness statements from stage 2 onwards.
- 4.8 The Trust will be represented at the Complaint Panel Hearing by the person who dealt with the complaint in the previous stage. This will usually be the Chair of the Board (unless the complaint is about the Chair of Board, in which case the Trust will be represented at the Complaint Panel Hearing by the CEO).
- 4.9 Members of staff involved in the matters which gave rise to the complaint will usually have provided a

signed written account or have signed a note of a meeting during the previous stages. These will be forwarded to all parties with the other complaint documentation in the usual way and members of staff will not usually be required to attend the Complaint Panel Hearing to give a verbal statement. Witnesses under the age of eighteen will only be allowed to attend the Complaint Panel Hearing at the discretion of the Chair of the Complaint Panel, and then only if they are accompanied by one of their

parents or carers.

- 4.10 The Complainant's and the Trust's witnesses will only attend the Complaint Panel Hearing for that part of it where they give their verbal statements and answer questions. They will be asked to remain outside at all other times.
- 4.11 The Clerk to the Complaint Panel (who will usually be the Clerk to the Board, but does not have to be) will record minutes of the Complaint Panel Hearing, however the proceedings will be kept as informal as possible with the main aim being to achieve reconciliation between the Complainant and the Trust. More detailed information about the Complaint Panel Hearing can be made available on request.
- 4.12 After the Complaint Panel Hearing has closed, the Complaint Panel will meet in private to discuss the complaint, assisted by the Clerk. The Complaint Panel's decision will be confirmed in writing within **10 school days**.
- 4.13 The Complaint Panel will make **findings of fact**, namely they will decide on a balance of probabilities (i.e. more likely than not) which facts they accept and which they reject. The Complaint Panel will then decide what **recommendations** to make, if any. These may include recommendations aimed at achieving reconciliation between the Complainant and the Trust, or recommendations for the Trust to follow aimed at improving the Trust's procedures or preventing a recurrence of the events which led to the complaint. The Complaint Panel will make a written record of their findings of fact and recommendations, if any. If no recommendations are made, this will also be recorded.
- 4.14 The Clerk to the Complaint Panel will write to the Complainant, the CEO (in all cases, whether or not the CEO represented the Trust), the Chair of the Board (if they represented the Trust) and, where relevant, any persons complained about, confirming their **findings of fact** and **recommendations** within **10 school days** of the Complaint Panel Hearing. The letter will identify each of the issues complained about, summarise how the Complaint Panel Hearing proceeded, and confirm each of the Complaint Panel's findings of fact and recommendations, if any, with reasons. The letter will confirm that the decision of the panel is final but that if the Complainant believes that this Complaints Policy does not comply with the Regulations, or that the Trust has not followed the procedure outlined in this Complaints Policy, the Complainant may refer their complaint to the Education and Skills Funding Agency for further consideration.
- 4.15 The Clerk to the Complaint Panel will ensure that a record of the Complaint Panel's **findings of fact** and **recommendations** is kept on the Trust's premises and is available for inspection by The Kennal Academies Trust, the Chair of the Board and the CEO.

5. Referral to the Education and Skills Funding Agency

- 5.1 If a Complainant is not satisfied that the Trust's Complaints Policy complies with regulations governing academies, or that the Trust has followed the procedure outlined in this policy correctly, or that the Trust has acted unlawfully, or failed to comply with a contractual duty imposed by its Funding Agreement with the Secretary of State or any other legal obligation, he or she has a right to refer their complaint to the Education and Skills Funding Agency (part of the Department for Education).
- 5.2 The Education and Skills Funding Agency will not usually review or overturn decisions made by Trust about a complaint. They will usually only investigate whether the Trust considered the complaint appropriately. If the Education and Skills Funding Agency finds that Trust did not consider a complaint

appropriately, it can request the Trust carries out an investigation under that stage of the complaints procedure again.

5.3 The contact details for the Education Funding Agency are as follows:

Academies Central Unit (Academy Complaints)
Education Skills Funding Agency
Earlsdon Park
53-55 Butts Road
COVENTRY
CV1 3BH

The Complainant can find further information about referring a complaint to the Education and Skills Funding Agency at the following web address:

<http://www.education.gov.uk/schools/leadership/schoolperformance/b00212240/making-complaint-school/complaints-free-schools-academies>

The Complainant can refer their complaint to the Education and Skills Funding Agency by completing an online form at the following web address:

<https://www.education.gov.uk/schools/leadership/schoolperformance/school-complaints-form>

6. Misconceived or otherwise unreasonable complaints

6.1 The Trust reserves the right (in exceptional cases only) to write to the Complainant informing them that their complaint is regarded as misconceived or otherwise unreasonable and that the Trust's complaints procedure will not be followed. The sections below detail complaints which may be considered as misconceived or otherwise unreasonable.

6.2 Vexatious or Repeated Complaints

A complaint which has been considered under all stages of this procedure and is raised again, may be defined as a repeated complaint by the Trust. Unreasonable persistent complaints, trivial complaints, and/or complaints that do not affect the Complainant may be regarded as vexatious by the Trust.

6.3 Late Complaints

Where a complaint is submitted more than 3 months after the incident or event (or where the complaint relates to a series of incidents or events, more than 3 months from the date of the latest incident or event) may be regarded as unreasonable by the Trust.

6.4 In any of the above cases, the Complainant is entitled to write to the Chair of the Board asking for him or her to review the decision to regard the complaint as misconceived or otherwise unreasonable. The Chair of the Board will respond to such a request within **10 school days** of receiving it confirming the outcome of his or her review. The Chair of Board will **not** investigate the complaint itself during this review.

6.5 If the Chair of Board quashes the decision not to investigate the complaint, it will be referred to the Trust to be dealt with under this Complaints Policy in the usual way. If the Chair of Board upholds the decision not to investigate the complaint, the Complainant may refer the concern or complaint to the Education and Skills Funding Agency using the procedure stated in section 5 of this policy.

6.6 Anonymous or Fictitious Complaints

The Trust will not investigate anonymous complaints, or those found to be fictitious, under the procedure in this Complaints Policy. Anonymous or fictitious complaints will be referred to the CEO (or designate) who will decide what, if any, action should be taken.

7. Record Keeping

7.1 The Trust will keep a record of all concerns and complaints received and their outcomes, whether or not they were dealt with formally or informally.

7.2 The Trust will keep all correspondence and documentation relating to individual concerns or complaints confidential, except where the Secretary of State or a body conducting a school inspection requests access to them.

8. Equality of Access

8.1 If due to disability or learning difficulties the complainant wishes to make a formal complaint (from Stage 2 onwards) orally, the Trust will provide the opportunity to access the procedure using a recording device operated by a member of staff unconnected with the complaint.

8.2 The Trust will provide the CEO (or designate or Investigating Officer) with a copy of this recording and a written transcript of the recording.

8.3 The Trust will provide the Complainant with a copy of this recording and a written transcript of the recording.

8.4 Requests for meetings with wheel chair access, interpreters or signers will be met wherever possible.

This policy will be reviewed regularly and updated as necessary.

Appendix 1 – Formal Complaint Form. Appendix 1 – Formal Complaint Form

Please complete and return to enquiries@tkat.org who will acknowledge receipt and explain what action will be taken.

Your Name:	Student's Name: (If applicable)
Your Relationship to Student: (If applicable)	Student's DOB and Form: (If applicable)
Address and Postcode:	Daytime Telephone Number:
	Evening Telephone Number:
Full details of complaint (including the names of all persons involved and the dates of incidents referred to):	
What action, if any, have you already taken to try and resolve your complaint (for example, 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:
<i>For Official Use:</i>	
Date Acknowledgement Sent:	

<i>Name of Person Complaint Referred To:</i>	
<i>Signature:</i>	<i>Date:</i>