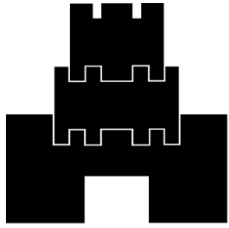


Reference:	Approved by:	Date:	Review:



**Launceston College**  
*A Multi Academy Trust*

## **COMPLAINTS POLICY**

**Updated on: 4<sup>th</sup> January 2018**

**Review by: BJM**

# Launceston College MAT Complaints Policy

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## Principles

The principle of this policy is to ensure that a clear, logical and unambiguous process is set out, both for those who have a genuine grievance to raise or for those staff who may have had a complaint made against them. This policy will specify four stages of action whereby any complaints can be dealt with:

1. informally,
2. through a formal internal process,
3. through the MAT Board,
4. through the Secretary of State or the Ombudsman.

The aims of the policy are to:

- Encourage the resolution of problems by informal means wherever possible;
- Ensure that concerns are dealt with quickly, fully and fairly and within clearly defined time limits;
- Provide effective responses and appropriate redress;
- Maintain good working relationships between all people involved with Launceston College MAT.

## How this Policy links to other Guidance

This policy should be read in conjunction with the DfE guidance on schools complaints procedures.

Public Enquiries 0870 000 2288, <http://www.education.gov.uk>

This policy should also be read in conjunction with Launceston College MAT's policies on Safeguarding, Safer Recruitment and Whistle Blowing.

## **Rationale**

Launceston College MAT is legally responsible for dealing with the majority of complaints. The purpose of this procedure is to lay out how complaints will be dealt with by Launceston College MAT.

Launceston College MAT Board must ensure that complaints are investigated thoroughly and fairly and that complainants are given a response within a reasonable time-scale.

Children as well as parents have legitimate rights to express concerns or to make complaints, but maturity and understanding will vary from child to child. Therefore, Launceston College MAT will consider a complaint on its merits. Please note that a person does not have to be a parent or a student of Launceston College MAT to make a complaint. Please also note that anonymous complaints cannot be examined under a complaints procedure, nor can complaints raised on social media, on-line chat rooms or suchlike.

The MAT Board has an important role to play in considering complaints, however, it is important for parents to understand that individual board members must not investigate complaints outside this procedure.

Launceston College MAT has appointed the Principal as the Complaints Officer to ensure that the complaints procedures are delivered and monitored satisfactorily.

## **Procedures**

### **Stage 1. - Informal Resolution**

Any complaint must be raised normally within twelve months of when the incident and/or event arose on which the complaint is based.

Many enquiries and concerns can be dealt with satisfactorily by the class-teacher, tutor, Heads of House, Heads of Faculty, the Principal or other senior members of staff, without the need to resort to a formal procedure. Launceston College MAT values informal meetings and discussions.

There is no suggested time-scale for resolution at this stage given the importance of dialogue through informal discussion. However, if the face-to-face discussion seems unlikely to resolve matters, then proceed to the next stage of the procedure.

It is important to note that any complaint that relates to a [diversity issue](#) will also be recorded on the diversity incident report form.

### **Stage 2 - Formal Written Complaints**

Where it has not been possible to resolve a complaint by way of informal discussion, the complainant should set out the precise nature of the complaint either in writing or via e-mail to the Principal's PA. The MAT Board will not be involved at this stage. However, if the Principal, a school governor or a board member is the subject of a complaint, the complainant should send the form directly to the chair of the MAT Board (in accordance with the additional guidance laid out in Appendix 1). If a complaint against the Principal is received by the Principal, then he will pass it on to the chair of the MAT Board immediately.

In a written complaint you must include the following information:

- Your name
- Student's name
- Your relationship with the student
- Address and telephone number
- Details of your complaint
- What action you have taken, if any, to try and resolve the complaint
- What actions do you feel might resolve the problem at this stage

Should a complaint be about a general matter, the Principal may be able to respond immediately, e.g. if it only requires an explanation of Launceston College MAT policy. For most other complaints, which are likely to relate to specific actions or events, there is likely to be a need for further investigation in order to clarify the facts. The Principal or other members of the Academy Leadership Team will normally undertake this investigation. However, the Principal may feel that to proceed to Stage 3 (below) is the best course of action, depending on the circumstances. The chair of the MAT Board will then convene a meeting of the MAT panel (stage 3 below).

Complaints with respect to the conduct of a member of staff will be dealt with in accordance with the additional guidance laid out in Appendix 1. A meeting will be arranged between the complainant and the Principal (or relevant person) but this will not automatically include any member of staff named in the complaint.

All formal complaints that are received will be recorded by Launceston College MAT and acknowledged within 5 academy days. Investigations at this stage should normally be completed within 20 academy days of receipt of the complaint, unless there is an ongoing child protection investigation, or where the staff disciplinary procedure is involved or another exceptional circumstance. Launceston College MAT will aim to send a formal response within 5 academy days of the completion of the investigation. This gives a target of 5 academy weeks for the completion of this stage of the procedure. Please refer to Appendix 1 for the different timescales involved with complaints regarding the Principal or a governor.

In the letter conveying the outcome of the investigation, the complainant should be informed of the process for referral to the chair of the MAT Board if they wish to take their complaint further. Should the staff disciplinary procedures or child protection procedures have been started then the complainant will be notified that other processes are being followed. Any notification shall be confidential to protect the member of staff.

The complainant may wish to proceed to consideration of the complaint by the MAT Board as set out below. It is up to the complainant to make this decision within two weeks of being informed of the outcome of the stage 2 investigation, unless there are exceptional reasons why this is not possible. It is up to the chair of the MAT Board to decide if there are any such circumstances.

### **Stage 3 - The MAT Board**

In all cases where the Principal is unable to resolve a complaint to the satisfaction of the complainant, the complainant should contact the Chair of the MAT Board (or Vice Chair if appropriate) via the PA to the Executive Principal, for the matter to be considered. All complaints that reach this stage will be recorded on existing records where available and acknowledged within 5 academy days.

A panel will be convened by the Chair of the MAT Board (or Vice Chair if appropriate) consisting of at least three Board members that are not directly involved in the matters detailed in the complaint, at least one member of the panel will be independent of the management and running of the MAT. Individual Board members have no powers to investigate a complaint outside the complaints process. If necessary, a meeting with the complainant should be held in order to reach an appropriate solution.

The complainant will be invited to attend, giving seven days' notice, and may be accompanied if they wish.

The panel will normally review the investigations carried out under stage 2 and will decide whether or not any further investigation should be undertaken. However, in most cases where an investigation has been previously carried out, the panel may decide only to consider the evidence already presented. Where complaints have been referred directly to stage 3 (relating to the Principal or a Board member), the panel will undertake the initial investigation.

Investigations at this stage should normally be completed within 15 academy days of receipt of the complaint, unless there is an ongoing child protection investigation or where the staff disciplinary procedure is involved or another exceptional circumstance. Launceston College MAT will aim to send a formal response within 5 academy days of the completion of the investigation. This gives a target of 4 academy weeks for the completion of this stage of the procedure.

Following the stage 3 investigation, the panel will decide on one of two outcomes:-

1. Recommend that appropriate remedial action necessary to resolve the complaint be undertaken, or
2. Confirm that all internal investigative measures have been exhausted and uphold the original response.

The decision of the MAT Board will be communicated in writing to the complainant within 5 academy days of the meeting. The decision is confidential to the complainant and to the MAT Board. The panel will report all outcomes of their investigations to the MAT Board.

#### **Stage 4 - Appeals to the Secretary of State or the Ombudsman**

Finally, complainants have a right of appeal to the Secretary of State for Education. It should be pointed out that the members of staff also have the same right of appeal.

If a complainant feels that there has been maladministration in the manner in which a complaint has been dealt with, this can be referred to the Local Government Ombudsman.

Please note that the Ombudsman can look into complaints about how something has been done, but she/he cannot question what has been done simply because the complainant does not agree with it. The relevant addresses are:

The Secretary of State Department for Education Sanctuary Buildings Great Smith Street, Westminster, London SW1P 3BT Tel: 0171 925 5000	Local Government Ombudsman The Oaks, Westwood Way, Coventry CV4 8JB Tel: 01203 695999
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## **Monitoring and Evaluation**

At all formal stages of the complaints procedure, the following information should be recorded:

- The name of the complainant;
- The date and time at which complaint was made;
- The details of the complaint;
- The desired outcome of the complainant;
- How the complaint is investigated (including written records of interviews held);
- Results and conclusions of investigations;
- Any action taken;
- The complainant's response (satisfaction or further pursuit of complaint).

Launceston College MAT has appointed the Principal as the Complaints Officer. The Principal will have responsibility for the operation and management of Launceston College MAT complaints policy and will be responsible for monitoring complaints. Records should be retained for a period of 3 years.

It is the responsibility of the Principal and the MAT Board to ensure that the procedures outlined above are closely followed and a review of these procedures should be made in the light of any formal action to ensure that any parties involved feel confident that they have been fairly represented.

## **Confidentiality**

Confidentiality is vital. All conversations and correspondence will be treated with discretion. Complainants have the right to know what use will be made of personal information and, accordingly, personal information will only be shared between staff on a 'need to know' basis.

## **Vexatious and/or Malicious Complaints**

If properly followed, a good complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Chair of the MAT board is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

## **Impact of Policy**

This policy has set out clear routes and guidelines for all stakeholders who wish to make a complaint about staff or procedures at Launceston College MAT. This will ensure that correct procedures are followed by all concerned and that those facing a possible complaint understand their rights and responsibilities during any investigation.

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A member of staff, who is the subject of the complaint, would normally be advised of the situation immediately. However, if the complaint involves a child protection issue, child protection arrangements will come into force involving the Social Services and Police.

The following procedure will be followed to investigate complaints about the conduct of members of staff.

- I. If, at any time during the investigation, it becomes clear that there is a case for disciplinary action, Launceston College MAT's disciplinary procedure must be followed and no further action taken under the complaints procedure. This also applies where child protection procedures are being followed.
- II. It may be advisable to meet with the complainant, before the investigation, in order to clarify the precise nature of the complaint and to discuss ways in which the matter might be resolved.
- III. If a formal investigation is required, then Launceston College MAT will adhere to the following principles:-
  - a) If a member of staff is the subject of a complaint, he/she will be given a copy and advised to contact their trade union or professional association for advice and support.
  - b) The member of staff will be advised that a 'friend' or trades union representative may accompany him/her at any subsequent interview or hearing.
  - c) The complaint will be treated as an allegation only, during the investigation stage.
  - d) The Principal will invite all parties, (including witnesses), to provide written statements as part of the investigation.

**Additional guidance on Formal Complaints about the Principal or a Governor.**

Formal complaints about the Principal or a governor will be referred directly to the chair of the MAT Board, or vice chair if the complaint concerns the chair. Letters should be sent to the college, addressed to the chair or vice chair and marked 'private & confidential'. Alternatively, the chair can be contacted by email at: [chairofgovernors@launcestoncollege.org.uk](mailto:chairofgovernors@launcestoncollege.org.uk). The chair/vice chair of the MAT Board should acknowledge the written complaint in writing within 10 Academy days. The letter may include brief details of the terms of the investigation and the role of the MAT Board in resolving the complaint.

Depending on the nature of the complaint, the chair / vice chair of the MAT Board may need to interview the Principal/governor/chair and obtain witness statements. Once the chair / vice chair has completed the investigation, a written response will need to be sent to the complainant outlining briefly the results of the investigation and the course of action taken by the chair / vice chair of the MAT Board. The letter should also indicate the next stage in the process if the complainant remains unhappy with the outcome.

