

RMET Complaints Policy & Procedure

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1. Key points and summary

RMET takes all concerns or complaints seriously. Taking informal concerns seriously at the earliest stage reduces the numbers of formal complaints and reflects the commitment to working effectively with all members of the community. This policy aims to ensure that:

- As far as possible all concerns should be dealt with as informally as possible.
- All complaints are dealt with as quickly and sensitively as possible, and by the person best able to do so.
- Where a formal process is required, the steps involved are clearly outlined.
- People are aware of their responsibilities.

The emphasis is to understand, investigate and resolve the complaint as early as possible. The formal process has three stages which commence in the school/central team where the complaint was raised:

- i. Complaint heard by an appropriate member of staff.
- ii. Complaint heard by an appropriate member of senior staff appointed by the Headteacher; or where the complaint involves the Headteacher, by the CEO; or where the complaint is pitched at the Trust, by a senior staff member appointed by the CEO (unless they are cited in the complaint in which case, by a nominated Trustee).
- iii. Appeal heard by Trustees.

2. Scope and applicability

This policy applies to all complaints received by RMET. This policy applies to all staff and Trustees.

3. The policy

Concerns and complaints. It is important to distinguish between a “concern” and a “complaint”. Most concerns can be made informally to the initial member of staff and be resolved without the need to go through the formal complaint procedures. Initial concerns should be raised with the Trust or school as soon as possible to allow for a proper investigation if the need should arise. A concern in school may arise (for example):

- From uncertainty regarding the application of the Behaviour and anti-bullying policy.
- From misunderstanding or misrepresentation of an incident which has taken place inside or outside the classroom.
- Where a parent/carer believes that their child has been misunderstood or treated unfairly and feels it necessary to raise the matter so that steps may be taken to restore goodwill.
- Where a parent/carer believes that their child is being bullied or has suffered some form of discrimination and brings the matter to school’s notice so that action can be taken to prevent a recurrence.

Concerns should normally be raised with the member of staff most directly involved in the situation giving rise to the concern. Parents/carers will appreciate that it is helpful if a concern is expressed as soon as possible after the relevant incident. The staff member will respond as

soon as practicable, and in any case within three working days. A complaint may arise (for example):

- When an individual has previously raised a concern and is not satisfied with the response offered.
- Where an individual has serious disquiet over an incident that has taken place or decision made in school/Trust and believes they have fallen short of appropriate standards.

A complaint must be made in writing to the Headteacher or CEO within 3 months of the incident. If the complaint concerns the Headteacher it should be addressed to the CEO. If the complaint concerns the CEO, it should be addressed to the Chair of the Trust. If it involves Trustees or Academy Committee Members it should be addressed to the Clerk to the Trust. A log of all complaints, will be held by both the HR officer and the Trust Clerk. All Complaint Forms will be held, filed and securely stored (electronically and by hard copy where needed) by the HR Officer. All correspondence and material relating to a complaint is confidential.

4. Investigating complaints

The person investigating the complaint will make sure that they:

- Establish what has happened so far, and who has been involved.
- Clarify the nature of the complaint and what remains unresolved.
- Meet with the complainant or contact them (if unsure or further information is necessary).
- Clarify what the complainant feels would put things right.
- Interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish.
- Conduct the interview with an open mind and be prepared to persist in the questioning.
- Keep notes of the interview.

5. Recording complaints

It would be useful to record the progress of the complaint and the final outcome. A complaint should be made in writing. This can be the recorded notes of a meeting. At the end of a meeting, the complainant and the school/Trust should have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls can be kept and a copy of any written response added to the record.

6. Resolving complaints

At each stage in the procedure the person attempting to resolve the complaint will keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is a valid complaint (in whole or in part) without admitting liability. 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 relevant policies in light of the complaint.

Complainants will be encouraged to state what actions they feel might resolve the problem at any stage. An admission that the school/Trust could have handled the situation differently is not the same as an admission of negligence. At all stages those hearing the complaint will attempt to identify areas of agreement between the parties, and to clarify any misunderstandings that might have occurred in order to create a positive atmosphere in which to discuss any outstanding issues.

7. Stages of complaint

Stage 1: Complaint heard by a senior member of staff. It is the interests of everyone that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the school/Trust can be crucial in determining whether their complaint will escalate. Staff need to be sensitive to any potential actual or perceived conflicts of interest or difficulties of a particular member of staff being involved in hearing and investigating the complaint. To ensure clarity of understanding, a Complaint Form (Appendix) needs to be completed. This ensures that there is no conflict in determining what the complaint consists of and the action taken by members of staff. The member of staff hearing the complaint needs to ensure that they have investigated it appropriately. The member of staff hearing the complaint will respond to the complainant in writing. It is normally expected that complaints will be ***acknowledged within three working days***, and the Stage 1 process ***completed within ten school days***. If it is clear that the process is going to take longer than this, the reasons for this should be explained to the complainant. If the complaint is resolved, the Complaint's Form should be completed and passed to the HR officer. If the complaint is not resolved, the Complaint Form should be passed to the Headteacher/CEO who will determine which senior member of staff should be involved in Stage 2.

Stage 2: Complaint heard by appropriate senior member of staff appointed by the Headteacher/CEO/Trustee (as outlined in section 1). The designated senior member of staff will consider both the original complaint and the process followed during Stage 1. The designated senior member of staff may formally reject a complaint if, in their judgment, the complaint:

- Was received too long after the alleged incident for realistic investigation to take place.
- Does not identify specific actions or incidents that are capable of being investigated.
- Refers only to issues that have already been determined.
- Raises only minor matters that should have been resolved in discussion with the staff member involved.

The designated senior member of staff will put their judgement and rationale, including details of the process followed, in writing to the complainant. It is normally expected that the Stage 2 process would be ***completed within ten school days of the Headteacher/CEO***

initiating Stage 2. If it is clear that the process is going to take longer than this, the reasons for this should be explained to the complainant. If the complaint is resolved, the Complainant's Form should be completed and passed to the HR Officer. If the complaint is not resolved, the complainant has the option of appealing to the Trust Board at Stage 3.

Stage 3: Appeal heard by Trustees. The complainant should write to the Chair of the Trust giving details of the complaint and the process followed to that point. The Chair, or a nominated Trustee, will convene a Trust Board complaint's appeal panel, none of whose members will have been directly involved in previous consideration of the complaint. The panel will have the powers to determine the complaint. Individual complaints would not be heard by the whole Trust Board at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint. The appeal hearing should be **heard within 30 school days of the Chair receiving notice of the complaint.** If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. The Trust will reschedule the appeal hearing once, if the complainant is unable to attend. In some instances, where appropriate, the hearing may be held as a remote meeting. After this point, the hearing will proceed with or without the complainant being in attendance, on the basis of written submissions from both parties. The appeal hearing will be heard in private, will give careful consideration to the substance of the complaint, consider all the views expressed, and decide the outcome. The complainant may be accompanied by a friend/colleague. The panel may decide to invite the following to attend the review meeting:

- The complainant
- The person who investigated the complaint and made the decision at stage 1
- The Headteacher or CEO or senior staff member who investigated the complaint and made the decision at stage 2 (or Chair of the Trust Board Board if the complaint is about the CEO)
- Relevant persons involved and/or named in the complaint
- Persons whom, in the view of the panel, can provide relevant advice and information relating to the subject of the complaint and the review process at stage 2

The decision of the panel is binding. The **decision must be communicated within five working days of the hearing.** There are several points which any Trustee sitting on a complainant's panel needs to remember:

- It is important that the appeal hearing is independent and impartial and that it is seen to be so. No Trustee may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, Trustees need to try and ensure that it is a cross-section of the categories of Trustee and sensitive to the issues of disability, race, gender and religious affiliation.
- The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the Trust and the complainant. However, it has to be recognised the complainant might not be satisfied with the outcome of the hearing. It may only be possible to establish the facts and make

recommendations which will satisfy the complainant that his or her complaint has been taken seriously.

- An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. For example, parents often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.
- Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent/carer the opportunity to say which parts of the hearing, if any, the child needs to attend.
- The Trustees sitting on the panel need to be aware of the complaint's procedure, specifically ensuring that a written record of all complaints is kept.

The Remit of the Complaint's 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 school/Trust systems or procedures to ensure that problems of a similar nature do not recur.

The Chair, or a nominated Trustee, will convene a Complaint's Appeal panel, none of whose members will have been directly involved in previous consideration of the complaint. The Chair, or a nominated Trustee, will provide for the panel to make findings and recommendations and stipulate that a copy of those findings and recommendations is provided to the complainant and, where relevant, the person complained about. The Chair, or a nominated Trustee will make the findings and recommendations of the Complaint's Appeal Panel available for inspection on the school premises and provide for a written record to be kept of all complaints that are made, to include actions taken by the school/Trust as a result of those complaints (regardless of whether they are upheld).

Referral to the Education and Skills Funding Agency.

If the complainant believes The Academy 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 Department for Education after they have completed Stage 3. The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by RMET. They will consider whether RMET has adhered to education legislation and any statutory policies connected with the complaint. The complainant can refer their complaint to the Department for Education online at: www.education.gov.uk/contactus or by telephone on: 0370 000 2288.

Serial, persistent and unreasonable complaints

For the purpose of this procedure a complaint may be viewed as serial and/or persistent if it relates to the same issue that was the subject of a previous complaint (made by the same complainant) which has already been through a formal complaints procedure in which the complainant has been notified of the outcome. In such cases it is likely that the complainant will be informed that the matter is now closed and that RMET will provide no further response. For the purpose of this procedure a complaint may be viewed as unreasonable if it contains threatening, abusive or offensive language and conveys unrealistic outcomes beyond all reason. In such cases the Headteacher/CEO/Chair of the Trust board/Clerk to the governing board (as appropriate) will consult with relevant parties and may decide that the complaint is not considered under this procedure. The complainant will be notified in writing that this is the case and that RMET will provide no further response. Queries regarding any aspect of the complaints procedure should be directed to the Clerk to the Trust board at the following address: clerk@rmet.org

8. Responsibilities under the policy

The Trust Board is responsible for:

- Approving the policy, procedures, and guidelines.
- Hearing and deciding on appeals at “Stage 3”.
- Monitoring the level and nature of complaints and review the outcomes annually or earlier if so determined by the Chair.
- Ensuring that 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.

The Chair of the Trust is responsible for:

- Receiving complaints at Stage 3 of the complaint’s procedure.
- Nominating a panel from the Trust Board to hear the appeal.
- Checking that the correct procedure is followed.

The Chair of the Trustee’s Panel at Stage 3, supported by the Clerk, is responsible for ensuring that:

- The parties understand the procedure
- The issues are addressed
- Key findings of fact are established
- Complainants are put at ease
- The hearing is conducted as informally as possible
- The panel is open-minded and acts independently
- No member of the panel has a vested interest in the outcome, or has been involved in the issues previously.
- All parties have the chance to be heard
- Any written material is seen by all parties and related Child Protection and Data Protection rules are observed and maintained to include the redacting of sensitive/confidential/3rd party data subjects’ information from shared

documents; safe storage of materials; and the appropriate destruction of hard copies at the conclusion of the process

- Effective provision is made for the panel to make findings and recommendations.
- A copy of those findings and recommendations is provided to the complainant and, where relevant, the person complained about.

The Headteacher/CEO is responsible for:

- The overall internal management of the procedures
- Identifying who will hear complaints at Stage 2 of the procedure
- Ensuring that the procedures are monitored and reviewed and reports made to the Trust Board as appropriate.
- Making written records of the findings and recommendations of complaints available for inspection on the school premises, to include actions taken by the School/Trust as a result of those complaints (regardless of whether they are upheld).
- Ensuring that 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

The HR Officer is responsible for:

- Maintaining records of all complaints received by the school/Trust

All staff are responsible for:

- Listening to any concerns brought to them by parent/carers and students.
- Reassuring them that they will be dealt with as soon as possible by the appropriate member of staff.
- For informing the relevant staff of the concerns being raised.
- Passing any complaints received from other people who are not parents or students to SLT or the CEO.

Appendix:

Complaint Form

Your Name:	
Student's Name (where applicable):	
Your relationship to the student:	
Address:	
Daytime phone number:	
Mobile phone number	
Please give details of the complaint:	
What action, if any, have you already taken to try and resolve the complaint? 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 supporting documentation? If so please give details:	
Signature	Date

RMET use only

Date acknowledgement sent:

Who sent acknowledgement:

Please complete the following, acknowledge the stages of the complaints procedure that have been followed, personnel involved, and make any comments as necessary:

Stage 1 (complaint heard by staff)

Signature:

Date:

Stage 2 (complaint heard by senior staff)

Signature:

Date:

Stage 3 (appeal heard by Trustees)

Signature:

Date: