



# **ASPIRE**

## **COMPLAINTS POLICY**

**May 2019**

# COMPLAINTS POLICY



## 1. INTRODUCTION AND SCOPE

The policy of Aspire and across our Independent Schools is to work in partnership with parents and the wider community. It is based on the belief that co-operation and a sense of joint purpose between staff, parents and Aspire will assist in ensuring open and positive relationships. From time to time, however, parents and members of the public may express concern or make a complaint, either orally or in writing, about some aspect of the conduct/operation Aspire, our schools, the conduct of staff, outreach staff or Directors. Aspire will always give serious consideration to concerns and complaints that are brought to its attention. In considering concerns or complaints, Aspire will ensure that they are dealt with effectively and with fairness to all parties. Where possible complaints will be resolved informally. Where a complaint has not been resolved informally, then the formal procedures set out in section "4(ii)" below will be followed.

## 2. WHAT IS A CONCERN OR COMPLAINT?

- a. A concern or complaint is defined as an expression of dissatisfaction about the conduct/operation of Aspire, the conduct of, actions or lack of actions by a member of staff, outreach staff or directors unacceptable delay in dealing with a matter or the unreasonable treatment of a pupil or other person.
- b. Concerns or complaints relating to any of the following are not covered by these procedures, as separate procedures apply– for further details please see Paragraph 9 below:
  - Child Protection and Safeguarding
  - Freedom of Information Access
  - Functions of the County Council
  - Pupil Exclusions
  - School Admissions
  - Services provided by other organisations on Aspire's site or through the setting\*
  - Staff grievance
  - Special Educational Needs assessment and statementing procedure
  - Whistleblowing by an employee
  - Serious complaints or allegations relating to the abuse of children, assault, criminal or financial matters are also subject to separate procedures. (See Section 9 below)

**\* Aspire should ensure that all organisations using the premises have their own complaints procedures.**

## 3. Making a complaint - who to complain to:

If the complaint is about:

- Something that has happened or failed to happen, contact the Aspirations Room Leader
- The actions of the Room Leader or Keyworker, contact the Deputy Principal
- The actions of the Deputy Principal, contact the Principal
- The Principal, contact a Director
- A Director, contact the Chair of the Board of Directors

**Directors - Gill Bullock & Daniel Maher**

Aspire Behaviour Management Ltd, Chapel Place, Burnley, BB11 1LE

**Chair of the Board of Directors – Jon Batchelor**

Aspire Behaviour Management Ltd, Chapel Place, Burnley, BB11 1LE

Aspire would in most cases hope to resolve concerns and complaints at an informal stage, but the procedures allow for formal consideration of a complaint and an appeal stage if matters cannot be resolved. Aspire is committed to dealing with complaints as speedily as possible and would plan to complete each

stage within 20 school days. From time to time, it may not be possible to complete the process in that timescale, where that is not possible the complainant will be informed of any delays. Where complaints are made against an individual member of staff, that person will be informed of the complaint at the earliest opportunity.



#### **4. The Complaints Procedures**

##### **i. Informal stage**

Aspire will seek to resolve concerns and complaints informally with the member of staff concerned and encourage the complainant to discuss with them the matters causing them concern. However, if that does not resolve the problem then the matter should formally be brought to the attention of the Deputy Principal (complaints and concerns about Directors should be made to the Chair of the Board of Directors).

The Deputy Principal (or Director, or Chair of the Board of Directors) will then:

- Acknowledge the complaint
- Make enquiries to establish the facts
- Seek advice as appropriate
- Attempt to resolve the matter informally
- Establish whether or not the complainant is satisfied
- Advise complainants of the next stages if they wish to proceed to a formal consideration of the complaint
- Write a report of the complaint and the outcome

This stage would normally be expected to be completed in 20 school days. A complainant wishing to proceed to the formal stage of the procedure should normally notify the person dealing with the complaint within 20 school days of being notified of the outcome of the informal stage.

**The informal stage will not be used if the allegations made refer to those matters listed at Paragraph 2(b) above.**

##### **ii. Formal stage**

Where an informal complaint has not been resolved to the satisfaction of the complainant or the complainant has indicated they wish to go straight to the formal stage notify the person dealing with the complaint will:

- Ensure the complainant is aware of the relevant procedures by providing them with a copy of this policy
- Require a written record of the complaint (someone else may write this on behalf of the complainant)  
Acknowledge the complaint in writing
- Seek advice as appropriate
- If the complaint concerns a member of staff inform them and provide them with a copy of the complaint
- Arrange for a full investigation of the complaint
- Prepare a report as a result of the investigation and consider actions to be taken
- Advise the complainant (and if necessary the person complained about) of the outcome.  
Where it is considered no further action is needed or the complaint is unsubstantiated, the complainant should be advised in writing. They should also be informed of their right to appeal to the Board of Directors/Governing Body (as appropriate) within 20 school days
- Make a record of the complaint and its outcome, which will be retained for Aspire's records.

Parents are allowed to be accompanied by an independent person to all hearings and discussions about the complaint if they so wish.

This stage would normally be expected to take no more than 20 school days. The Board of Directors should be informed of all formal complaints.



### iii. **Appeals stage**

The Governing Body will consider complaints where they have not been resolved to the satisfaction of the complainant and the complainant wishes to appeal. Any appeal must be made in writing to the Chair of the Governing Body. The Governing Body will be convened and will:

- Consist of 3 staff members that were not directly involved in the incident
- Consist of 1 person that is independent of the management and the running of the school. Where possible this will be a Headteacher/Principal of another school.
- Consider the written materials
- Consider the complaint and the actions taken by the staff member who dealt with the complaint
- Invite the staff member (as appropriate) and the complainant to the meeting
- Seek advice and support as necessary
- Conduct any further necessary investigation

At the end of their consideration the Governing Body will:

- Determine whether to dismiss or uphold the appeal in whole or part
- Where upheld, decide on appropriate action
- Advise the complainant (and if necessary the person complained about) of their decision
- Advise the complainant of any further action they could take if they remain dissatisfied

Details of the complaint, the appeal and the decision made by the Governing Body will be kept on record.

This stage would normally be expected to take no more than 20 school days.

## 5. **Further stages**

Complainants who remain unsatisfied with the outcome after an appeal may refer the complaint to the Secretary of State for Education. Parents may refer certain complaints to Ofsted. Further guidance can be obtained from the Ofsted Website.

Anyone can complain to the Secretary of State for Education if he or she believes The Governing Body is acting "unreasonably" or is failing to carry out its statutory duties. However, intervention can only occur if the Governing Body has failed to carry out a legal duty or has acted "unreasonably" in the performance of a duty. Intervention would have to be expedient in the sense that there would have to be something that the Secretary of State for Education could instruct either party to do to put matters right.

The Education and Inspections Act 2006 allows a parent who remains unsatisfied with the outcome of certain complaints to refer the matter to Ofsted.

## 6. **Withdrawal of a complaint**

If the complainant wishes to withdraw their complaint, they will be asked to confirm this in writing.

## 7. **Complaints Record**

Aspire will maintain a written record of all formal complaints, how they were dealt with and the outcome in a complaints register.

## 8. Confidentiality

All Complaints and records of said complaints will be held in a secure place and remain confidential and will only be provided to the person named in the complaint, the complainer, the proprietor or the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

## 9. Serious allegations or complaints

If the allegations refer to criminal activity, which may require the involvement of the Police, the member of staff who receives the complaint should inform one of the Directors immediately.

If the allegations relate to financial or accounting irregularities involving misuse of public funds or assets or any circumstances which may suggest irregularities affecting cash, stores, property, remuneration or allowances, the member of staff who receives the complaint should inform one of the Directors so that the complaint can be investigated.

## 10. Safeguarding and Child Protection

If the allegations relate to safeguarding or child protection, staff are to strictly follow Aspire's Safeguarding and Child Protection Policy and Procedure **without delay**. All staff are aware of the actions they are required to follow and regular training and updates are provided.

With complaints relating to

If a complaint is received regarding a member of staff's conduct or behaviour and an investigation needs to be completed, it may be necessary for the staff member to be suspended from duty, on full pay, until the matter is resolved therefore, this procedure is to be read in conjunction with the Aspire Disciplinary Policy.

## 11. Malicious Complaints

Aspire will, however, resist abuse of the complaints procedure and may reserve the right not to investigate complaints considered upsetting or malicious or where the action already taken to resolve a complaint is considered satisfactory.

## 12. Availability of Complaints

All Complaints will be available for inspection at all times to the Director/Principal.

Date	Ratification	Reviewed by
February 2017	This policy was ratified by the board of Directors	Directors
August 2017	Updated	Lauren Bullock
November 2018	Updated	Lauren Bullock
May 2019	Updated for changes to staffing structure	Lauren Bullock