

ARGYLE COMMUNITY TRUST

Policy Documents



Complaints Procedure

December 2016

Complaints Procedure

Concerns and Complaints Procedure

Context

Argyle Community Trust values the good relations we enjoy with schools, pupils, parents and the community; these are based on mutual respect and a willingness to listen to other points of view. It is in the best interests of all parties that any concern is expressed and resolved quickly and at the earliest possible stage.

It is also important to keep in mind a distinction between concerns, problems and complaints; through regular dialogue and day-to-day discussion most concerns and problems can be resolved as they arise. It is only where the complainants remain dissatisfied with the outcome of such discussion that the steps outlined in this policy may need to be taken.

Aims and Objectives

The aims of this complaints procedure are to:

- Encourage resolution of problems by informal means wherever possible
- Be transparent and fair to all parties and non-adversarial
- Provide a procedure that is simple to understand and operate
- Accessible, understood by all users to all users
- Have a time frame and keep people informed of progress
- Respect people's desire for confidentiality
- Provide information that feeds back into the organization so that services can be improved.

Throughout this document the person raising either a concern or a more formal complaint is referred to as '**complainant**'.

Argyle Community Trust will make sure everyone has access to information about the complaints procedures, and be sensitive to the needs of those who may have literacy difficulties or for whom English is not their first language. Information should be provided in the format required by the individual, for example in Braille, on tape or translated into relevant languages.

Third parties that use Argyle Community Trust premises for any purpose should be encouraged to have their own complaints procedure in place.

Definition of a complaint

The definition has been agreed as follows: 'A complaint is considered to be any communication received by Argyle Community Trust however made, by a person or persons with a legitimate interest in the organization but not being employed at Argyle Community Trust, about the standard of teaching of members of the teaching staff, or about the conduct, actions or omissions of members of the teaching or non-teaching staff or which expresses dissatisfaction about the standard of service or actions or lack of action by Argyle Community Trust staff'.

Principles

Argyle Community Trust staff are encouraged to have a good on-going relationships with all partners and this is ultimately the best way to resolve disputes or ease concerns. Staff should;

- wherever possible resolve issues informally by discussion with the Argyle Community Trust Manager and other staff without them becoming actual complaints and having to be referred to the Trust Board.
- staff should be reminded that concerns often amount to no more than a request for information or clarification. Taking such informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.
- Argyle Community Trust should avoid being defensive in responding to concerns and complaints, and should review its actions, practices and policies objectively and fairly in response to complaints, however difficult the situation to which these relate.

The Trust Board should be alive to any signs that staff may be trying to stifle complaints or make complainants feel that pursuing a legitimate complaint is likely to be fruitless, or are trying to take advantage of the reluctance of some individuals to complain because they fear the consequences for their child or themselves.

At each stage in the procedure Argyle Community Trust staff should keep in mind ways in which a complaint can be resolved and should encourage complainants to state what actions they feel might resolve the problem. Should the complaint be upheld 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 Argyle Community Trust policies in light of the complaint;
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The record of complaints should be reviewed to assess the overall level, nature and outcome of complaints and identify any necessary steps that need to be taken to improve policies and procedures.

The Complaints Co-ordinator for Argyle Community Trust is Alison Lowman – Argyle Community Trust Education and Training Manager.

Argyle Community Trust has sometimes to accept that there is no ready remedy against an individual who makes or pursues complaints that are or become vexatious and deflect the time and energies of staff from more constructive activities. In such cases, if the complainant tries to reopen the same issue the Chair of the Trust Board should inform them in writing that the procedure has been exhausted and that the matter is now closed.

Working Practices

Informal Resolution

CONCERNS AND COMPLAINTS PROCEDURE

Stages of the procedure

- **Stage 1 – informal discussion with appropriate member of staff or Argyle Community Trust Manager**
- **Stage 2 – formal complaint Argyle Community Trust**
- **Stage 3 – formal appeal to Trust Board**
- **Stage 4 – formal complaint to Football League Trust**

Stage 1 – Informal discussion with appropriate member of staff or Argyle Community Trust Manager

Where a concern is brought to Argyle Community Trust Plymouth's attention it can often be resolved with a single conversation. Sometimes the issue is more complex and will take more than one discussion to resolve.

Telephone calls should be returned within 24 hours.

Argyle Community Trust staff should respect the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff.

Where the complaint concerns the Argyle Community Trust manager, or has been investigated by Argyle Community Trust Manager *and* cannot be resolved by arranging a meeting with him/her, the complainant should be referred to the Chair of Trust Board, who will review the complaint and reply in writing or by phone to the complainant within 14 days.

Occasionally despite the best efforts of those concerned these discussions do not resolve the issue, which then may become a formal complaint and the complainant should be referred to the Chair of Trust Board.

Stage 2 – Formal complaint to Argyle Community Trust Manager

The complainant should be asked to confirm to the Argyle Community Trust Manager that they wish to make a formal complaint. The Argyle Community Trust Manager will within two days provide the complainant with a copy of Argyle Community Trust Plymouth's Complaint Form. A formal complaint must be in writing, either by letter, e-mail or using Argyle Community Trust Complaint Form, and it should be acknowledged in writing on the day of receipt, confirming that an investigation will be completed within 14 days.

The letter acknowledging the complaint should confirm the details of what action will be taken and should give a timescale for future contact.

The Argyle Community Trust Manager should copy relevant papers to any member of staff named in the complaint and make a full investigation. On completion of the investigation the Argyle Community Trust Manager should arrange a meeting with the complainant to discuss the results.

The complainant should be encouraged to bring a friend or interpreter to the meeting. Immediately following the meeting a letter should be sent to the complainant outlining the results of the investigation and meeting and, if appropriate, detailing the proposed course of action. The complainant's right to refer the decision to the Governing Body's Complaints Appeal Panel should also be included in the letter.

Stage 3 – formal appeal to Trust Board- complaints committee

A complaint can only be made to the Trust Board's if it relates to the Argyle Community Trust Manager or the complainant has:

- Already exhausted Stages 1 and 2;
- allowed 14 days for the Argyle Community Trust Manager to complete the investigation
- accepted any reasonable offer by Argyle Community Trust Plymouth's Manager to discuss the findings of the investigation;
- contacted the Chair of Trust Board within two months of the event requesting that the complaint be referred to the Trust Board.

The Trust Board should set up a panel to deal with appeals on complaints relating to Argyle Community Trust . The panel's responsibility is to hear and decide about formal complaints that have not been resolved at an earlier stage. **The panel should consist of 3 board members who have not previously been involved in any aspect of the complaint.**

The Argyle Community Trust Manager should not be a member of the panel and alternative members should be named to ensure that the panel can be constituted when necessary. A complaint may give rise to subsequent disciplinary proceedings against a staff member and the procedure for dealing with a complaint should therefore be kept separate from any application of Argyle Community Trust's staff discipline procedure.

It is important that the appeal hearing is independent and impartial and that it is seen to be so. In deciding the make-up of the panel, governors should try to ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.

Many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The proceedings should therefore be as welcoming and informal as possible and the layout of the room in which the complaint is heard should be non-adversarial.

The complainant should contact the Chair of Trust within two months of the event, requesting a meeting of the panel responsible for appeals on complaints relating to Argyle Community Trust, outlining the complaint, and providing all supporting evidence and specifying which matters remain unresolved. No new complaints may be included.

The administrator to the Trust Board should arrange all matters relating to the meeting, including the date, which should be no later than 21 days from receipt of the complaint, ensuring that it is held at a time that suits all parties. The administrator should copy the complaint to the Argyle Community Trust Manager who will have 5 working days in which to respond.

Any documents from either the complainant or the Argyle Community Trust Manager to be considered by the panel, and the names of any witnesses or friends who might attend, must be received by the Administrator at least 7 school days before the meeting. Copies of the agenda and all documents should be forwarded to the panel members, Argyle Community Trust Manager, complainant and Chair of Trust Board at least 5 working days before the meeting date.

The Argyle Community Trust Manager should copy relevant papers to any member of staff named in the complaint.

The complainant should be encouraged to bring a friend or interpreter to the meeting.

The Argyle Community Trust Manager may bring a friend or professional representative to the meeting.

Any teachers or other members of staff requested to attend can bring a friend or professional representative.

Witnesses are only required to attend for the part of the hearing in which they give their evidence.

The Argyle Community Trust Manager may question both the complainant and his/her witnesses after each has spoken and the complainant may likewise question the Argyle Community Trust Manager and his/her witnesses. The panel may ask questions at any time.

Having summed up the complaint and Argyle Community Trust Plymouth's response the complainant and Argyle Community Trust Manager should leave together while the panel decides on the issues.

The panel should consider the complaint on the basis of the papers they receive and what is said at the meeting. The administrator should take minutes that must remain confidential.

The committee may:

- uphold the complaint in full or in part, and make recommendations to the Trust Board for action, and where appropriate recommend changes to Argyle Community Trust Plymouth's systems or procedures to ensure that problems of a similar nature do not happen again, or
- decide to recommend no action be taken and give reasons for the decision.

Within 5 days of the meeting the administrator should send a letter to the complainant, Argyle Community Trust Manager and Chair of Trust Board outlining the outcome of the meeting. It is important that everyone understands that the panel is acting on behalf of the Trust Board and no further appeal to the Trust Board is available.

Stage 4

Complaint to Football League Trust or other appropriate external body.

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Policy Owner: <i>Scheme Manager</i>	Located: <i>Staff Handbook</i>
Adopted by Trust Board	Date: <i>December 2016</i>

PLYMOUTH ARGYLE COMMUNITY TRUST POLICIES AND PROCEDURES

Argyle Community Trust

Complaint Form (for Stage 2 complaints)

If you have tried unsuccessfully to resolve your complaint through discussion with Argyle Community Trust staff or manager, and wish to take the matter further, please complete this form and send it to the Complaints Coordinator, Argyle Community Trust Plymouth. (If your complaint is against the Coordinator or Argyle Community Trust Manager you will need to send the form to the Chair of the Trust Board)

Name _____

Address _____

Tel no (Home) _____ (Mobile) _____

What is your complaint about?

What would you like the Argyle Community Trust Manager to do?

When did you discuss your concern/complaint with the appropriate member of staff?

What was the result of the discussion?

_____ (Continue on a separate sheet, if necessary).

Signed _____ **Date** _____