

# Complaints Procedure Policy



Reviewed December 2018

## AIMS

### 1. Aims

The trust aims to meet its statutory obligations when responding to complaints from parents of pupils at a trust school.

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect complainants' desire for confidentiality
- Treat complainants with respect
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into school improvement evaluation processes

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

The school will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will ensure we publicise the existence of this policy and make it available on the website of each school in the Trust.

## INTRODUCTION

This document meets the requirements set out in part 7 of the schedule to [the Education \(Independent School Standards\) Regulations 2014](#), which states that we must have and make available a written procedure to deal with complaints from parents of pupils at the school.

It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on [creating a complaints procedure that complies with the above regulations](#), and refers to [good practice guidance on setting up complaints procedures](#) from the Department for Education (DfE).

This policy complies with our funding agreement and articles of association.

## How to raise concerns or to make a complaint about the school

**NB/** The Trust expects all employees to behave professionally at all times. Similarly, the Trust expects complaints from parents to be communicated in a courteous, polite and respectful manner.

In a very small number of cases where this does not happen, The Trust's Policy on dealing with unacceptable behaviour from parents and visitors' will be enforced. Where a complaint is raised in an unacceptable manner, the complaint will not be recognised or dealt with through the procedure outlined below.

## If you have a concern or complaint

We would like you to tell us about it. We welcome suggestions for improving our work in our schools. Be assured that no matter what the problem is, our support and respect for you and your child in school will not be affected in any way. Please tell us of your concern as soon as possible. It is difficult for us to investigate properly an incident or problem that happened some time ago.

We reserve the right not to consider complaints that:

- are, or have been, subject to legal action
- are malicious (that is, they are without sufficient grounds and serve only to cause annoyance)
- use obscene, racist or homophobic language
- contain personally offensive remarks about members of our staff
- are repeatedly submitted with only minor differences after we have fully addressed the complaint

Where the Trust considers that a complainant is carrying out unreasonable behaviour, for example making unduly frequent and/or repeated complaints, the Trust will be entitled to take such action as it thinks appropriate to manage such behaviour. This may include (but is not limited to) placing limits on contact with staff or opting not to invoke this complaints procedure further. Where such action is being considered by the Trust, the complainant will receive a written warning. Should the behaviour persist, the appropriate action will be determined proportionately in light of the nature of the behaviour in question and any other relevant circumstances.

The school will not investigate anonymous complaints under the procedure in this Complaints Policy. Anonymous complaints will be referred to the Headteacher who will decide what, if any, action should be taken.

## What to do first

Most concerns and complaints can be sorted out quickly by speaking with your child's **Class Teacher** or the **Parent Support Advisor**. We would encourage all parents to speak with their child's teacher in the first instance.

If you have a concern or complaint that you feel cannot be resolved by the Class Teacher you should request an appointment with a senior member of staff, e.g., Assistant Headteacher, Deputy Headteacher or Headteacher. You can easily make an appointment by ringing or calling into the school office. We will do our best to arrange an appointment within **five school days**. You are welcome to take a friend or relation to the appointment if you would like to.

## Actions can you expect as a result of your complaint

At each stage in the procedure we will strive to find ways in which a complaint can be satisfactorily resolved.

Such actions may include:

- an acknowledge that the complaint is valid in whole or in part.

In addition, the school may 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 Trust policies in light of the complaint.

*NB/ An admission that the school could have handled the situation better is not an admission of negligence.*

Staff will make every effort to resolve your problem informally. They will make sure that they understand what you feel went wrong, and they will explain their own actions to you. They will ask what you would like the school to do to put things right. Complainants are welcome to state what actions they feel might resolve the problem at any stage.

Of course, this does not mean that in every case they will come round to your point of view but it will help both you and the school to understand both sides of the question. It may also help to prevent a similar problem arising again.

### **What to do next**

If you are dissatisfied with the initial response, or if you do not want to discuss the matter informally, you can make a complaint to the Headteacher. This will need to be in writing, there is a form at the end of this document to help facilitate this (Appendix A).

### **If you are still unhappy**

The problem will normally be solved at this stage. However, if you are still not satisfied you may wish to contact the Chair of the Local Advisory Board or Chair of the Cluster Board to ask for a referral of your complaint to a Governors' Complaints Panel. It will then be heard by a group of three governors who have no previous knowledge of the problem and so will be given a fresh assessment. You may be invited to attend and speak to the panel at a meeting. The Complaints Procedure sets out in more detail how these meetings operate.

## COMPLAINTS PROCESS

### Process for resolving complaints informally

#### Resolving concerns informally

Parents are always welcome to discuss any concerns with the appropriate member of staff, who will clarify with the parent the nature of the concern and reassure them that the school wants to hear about it. Parents should be advised from the outset that there is a complaints procedure that they can use if the matter cannot be resolved. The member of staff may explain to the parent how the situation happened. It can be helpful at this point to identify what sort of outcome the parent is looking for.

If the member of staff first contacted cannot immediately deal with the matter, they will make a clear note of the date, name and contact address or phone number.

All members of staff will know how to refer, if necessary, to the person with responsibility for the particular issue raised by the parent. S/he will check later to make sure the referral has been dealt with.

The member of staff dealing with the concern will make sure the parent is clear what action (if any) or monitoring of the situation has been agreed, putting it in writing if appropriate.

While it is often a helpful way to resolve problems more quickly, a parent or pupil is not required to pursue informal ways to address complaints but has the right to make a formal complaint at any time.

If the matter is brought to the attention of the Headteacher they may decide to deal with the complaint rather than refer back to the class teacher.

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## **Process for resolving complaints formally**

### **Confidentiality**

All correspondence, statements and records relating to individual complaints will be kept confidential (*exceptions to this is where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them*).

### **Complaints Procedure Stage 1: Investigation by the Headteacher**

Complaints at this stage need to be recorded in writing. A complainant may wish to write in themselves. Complainants may also make their complaint verbally and can expect help to put their complaint in writing.

The Headteacher will acknowledge the complaint in writing within five school days of receiving the written complaint. The acknowledgement will give a brief explanation of the school's complaints procedure and a target date for providing a response to the complaint. This should normally be within ten working days. If this proves impossible, a letter will be sent explaining the reason for the delay and giving a revised target date. This will be within a maximum of 20 working days unless it is a particularly complex issue.

The Headteacher will provide an opportunity for the complainant to meet them to supplement any information provided previously or to record the complaint in writing if it has been made verbally. It will be made clear to the complainant that if s/he wishes s/he might be accompanied to any meeting by a friend, relative, representative or advocate who can speak on his/her behalf or to provide support.

If necessary the Headteacher will interview other parties and take statements from those involved. If a member of staff is complained against, they must have the opportunity to present their case.

The Headteacher will keep written records of meetings, telephone conversations and other documentation.

Once all the relevant facts have been established as far as possible, the Headteacher will then produce a written response to the complainant, including a full explanation of the decision and the reasons for it. Where appropriate, this will include what action the school will take to resolve the complaint. The complainant will be advised that should s/he wish to take the complaint further s/he should notify the Chair of the Local Advisory Board or Chair of the Cluster Board, in writing, within 10 working days of receiving the letter.

If the complaint is against the Headteacher or if the Headteacher has been closely involved in the issue, a member of the Trust's Senior Leadership Team, appointed by the CEO of the Trust, will be allocated to carry out all the Stage 1 procedures. (*This is likely to be a Trust senior member of staff or another Headteacher of an academy within the Trust, and referred to as the 'Investigating Officer'*). Parents should address their letter of complaint to the Chief Executive Officer.

If the complaint is against the Chief Executive Officer or Deputy Chief Executive, a panel will be constituted by the Trust Board and will include at least one Trustee. Parents should address their letter of Complaint to the Chair of the Board of Directors.

## **Complaints procedure Stage 2: Investigation/ Review by Investigating Officer.**

Complaints at this stage need to be recorded in writing. A complainant may wish to write in themselves. Complainants may also make their complaint verbally and can expect help to put their complaint in writing.

The Investigating Officer will acknowledge the complaint in writing within five working days of receiving the written complaint. The acknowledgement will give a brief explanation of the school's complaints procedure and a target date for providing a response to the complaint. This should normally be within ten working days. If this proves impossible, a letter will be sent explaining the reason for the delay and giving a revised target date. This will be within a maximum of 20 working days unless it is a particularly complex issue.

The Investigating Officer may request the complainant to meet with him/her to supplement any information provided previously. It will be made clear to the complainant that if s/he wishes s/he might be accompanied to any meeting by a friend, relative, representative or advocate who can speak on his/her behalf or to provide support.

If necessary the Investigating Officer will again interview other parties and take statements from those involved.

The Investigating Officer will keep written records of meetings, telephone conversations and other documentation.

Once all the relevant facts have been established as far as possible, the Investigating Officer will then produce a written response to the complainant, including a full explanation of the decision and the reasons for it. Where appropriate, this will include what action the school will take to resolve the complaint. The complainant will be advised that should s/he wish to take the complaint further s/he should notify the Chair of either the Local Advisory Board or Chair of the Cluster Board within 20 working days of receiving the letter.

## **Complaints procedure Stage 3: Review by the Local Advisory Board/Cluster Board**

The Chair of the Local Advisory Board/Cluster Board will write to the complainant to acknowledge receipt of the written request for the governing body to review the complaint. The acknowledgement will inform the complainant that three members selected from the appropriate board will hear the complaint within 20 working days of receiving the complaint. The letter will also explain that the complainant has the right to submit any further documents relevant to the complaint. These must be received in time for the documents to be sent to the three members.

A meeting of the Governors' Complaints Panel will be convened.

No governors with prior involvement in the issues complained about will be included on the panel and it may be necessary to use reserves (previously agreed by the Local Advisory Board/Cluster Board) to ensure the Panel can meet within the set time. Governors should bear in mind the advantages of having

a parent governor on the panel, and will also be sensitive to issues of race and gender. The Investigating Officer will not sit on the Panel. An experienced governor will chair the panel meeting.

The Chair of the Panel will ensure the Panel hears the complaint within twenty working days of receiving the letter. All relevant correspondence relating to the complaint will be given to each Panel member as soon as the composition of the panel is confirmed. If the correspondence is extensive, the Chair may prepare a thorough summary for sending to Panel members.

*One member of the panel will be independent of the management and running of the school.*

The Chair or clerk will write and inform the complainant, Investigating Officer, Headteacher, any relevant witnesses and members of the Panel at least five working days in advance of the date, time and place of the meeting. The notification will also inform the complainant of his/her right to be accompanied to the meeting by a friend/advocate/interpreter and explain how the meeting will be conducted and the complainant's right to submit further written evidence to the Panel.

The Investigating Officer will be invited to attend the Panel meeting and will be asked to prepare a written report for the Panel in response to the complaint. All attendees including the complainant should receive a set of the relevant documents including the Investigating Officer's report and the agenda, at least five working days prior to the meeting.

Submission of additional documents or requests for additional attendees will be at the discretion of the Chair of the panel.

At the panel hearing:

- The complainant will have the opportunity to present their complaint.
- The Investigating Officer will explain the school's position.
- Those present will have the opportunity to ask questions.
- Panel members will have the opportunity to ask questions of the complainant and the Investigating Officer.
- The Investigating Officer will be given the opportunity to make a final statement to the panel.
- The complainant will be given the opportunity to make a final statement to the panel. The Chair will then ask the complainant if he or she feels they have had a fair hearing.

The Chair of the Panel has responsibility to ensure that the meeting is properly minuted.

The Chair of the Panel will explain to the complainant and Investigating Officer that the Panel will consider its decision and that a written decision will be sent to both parties within 15 working days. The complainant, Investigating Officer, other members of staff and witnesses will then leave.

The Panel will then consider the complaint and all the evidence presented and

- Agree a decision on the complaint;
- Decide upon the appropriate action to be taken to resolve the complaint; and
- Where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.



A written statement clearly setting out the decision of the Panel must be sent to the complainant, the Investigating Officer and, where relevant, the person being complained about. The letter to the complainant should also advise how to take the complaint further.

The school should ensure that a copy of all correspondence and notes are kept on file in the school's records. These records should be kept separately from the pupil's personal records.

## **Complaints procedure Stage 4:** Complaint Referred to Education Funding Agency

Once a complaint has been through all the stages of this Complaints Policy, if the Complainant believes that this Complaints Policy does not comply with the Regulations, or if the Complainant believes that the Academy has not followed the procedure in this Complaints Policy, the Complainant can refer the complaint to the Secretary of State for Education using the Education and Skills Funding Agency (ESFA) online contact form for consideration. <https://www.gov.uk/government/organisations/education-and-skills-funding-agency/about/complaints-procedure>

The Complainant can find further information about referring a complaint to the Education and Skills Funding Agency by pasting this page into an Internet browser:

<https://www.gov.uk/government/organisations/education-and-skills-funding-agency/about/complaints-procedure>

The Complainant can refer your complaint to the Education and Skills Funding Agency by completing an online form by pasting this page into an Internet browser:

<https://www.gov.uk/government/organisations/education-and-skills-funding-agency/about/complaints-procedure#other-complaints>

The Complainant should be aware that the Education Funding Agency will not usually investigate the complaint itself, or interfere with the findings of the Complaint Panel, unless the decision made was manifestly unreasonable.

**The Academy/Trust Complaint Form**

**Appendix A**

Please complete this form and return it to the school office.

|                                                                                                                                                                                                                                      |  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| Your name                                                                                                                                                                                                                            |  |
| Pupil's name                                                                                                                                                                                                                         |  |
| Your relationship to the pupil                                                                                                                                                                                                       |  |
| Address                                                                                                                                                                                                                              |  |
| Postcode                                                                                                                                                                                                                             |  |
| Daytime phone number                                                                                                                                                                                                                 |  |
| Evening phone number                                                                                                                                                                                                                 |  |
| Please give concise details of your complaint (including dates, names of witnesses, etc.), to allow the matter to be fully investigated. You may continue on a separate piece of paper, or attach additional paperwork, if you wish. |  |
| Number of additional pages attached                                                                                                                                                                                                  |  |
| What action, if any, have you already taken to try to resolve your complaint? (i.e. who have you spoken with or written to and what was the outcome?)                                                                                |  |

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What outcome do you feel might resolve the problem?

|           |      |
|-----------|------|
| Signature | Date |
|-----------|------|

|      |  |
|------|--|
| Date |  |
|------|--|

For Office Use only

|                             |              |                        |
|-----------------------------|--------------|------------------------|
| Date form received:         | Received by: | Complaint referred to: |
| Date acknowledgement sent : |              |                        |