

COMPLAINTS POLICY

Statutory / Central – published on website

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1. Aims

Our Trust aims to meet its statutory obligations when responding to complaints from parents of students at Trust schools and others.

When responding to complaints, the Trust and its schools will 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 complainant's desire for confidentiality
- Treat complainants with respect
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into a Trust school's 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.

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

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

1.1. Scope

Stage 1 – Informal Resolution to a Concern

Stage 2 – Formal Complaint – heard by Headteacher or appropriate member of staff

Stage 3 – Formal Complaint – heard by Appeal Panel/Complaints Committee

Stage 4 – Formal Complaint directed to ESFA (Education & Skills Funding Agency)

2. Legislation and Guidance

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).

Each Trust School will ensure its policy complies with its Funding Agreement and Articles of Association.

3. Definitions

The DfE guidance explains the difference between a concern and a complaint.

A **concern** is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”.

Each Trust School will resolve concerns through day-to-day communication as far as possible.

A **complaint** is defined as “an expression of dissatisfaction, however made, about actions taken or a lack of action”.

Each Trust School should look to resolve complaints informally where possible and at the earliest possible stage.

The Trust acknowledges, however, that there may be occasions when complainants would like to raise their concerns formally. This policy, in conjunction with the Trust School's policy, outlines the procedure relating to the handling of such complaints.

This policy does not cover complaints procedures relating to:

- Admissions
- Statutory assessments of Special Educational Needs (SEN)
- Exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline

Please see separate policies for procedures relating to these types of complaint available from the respective Trust School.

Arrangements for handling complaints from parents of children with SEN about the school's support, are within the scope of each Trust School's policy, but also covered generally, within this document. Such complaints should be made to the SENCO of the respective Trust School in the first instance; Parents/Carers will then be referred to the School's Complaints Policy and SEN Policy as appropriate, which includes information about the rights of parents of pupils with disabilities who believe that the school has discriminated against their child.

Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.

4. Principles for investigation

When investigating a complaint, Trust Schools will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right

Each school will attempt to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage.

Where further investigations are necessary, new time limits will be set and the complainant will be sent details of the new deadline with an explanation for the delay.

Trust schools expect complaints to be made as soon as possible after an incident arises and no later than 3 months afterwards. Exceptions to this time frame may be considered, in circumstances where there were valid reasons for not making a complaint within that time and the complaint may still be investigated in a fair manner for all involved. Each of the Trust's schools will consider such circumstances on an individual basis.

5. Stages of complaint (including complaints against the Headteacher or a Governor)

Stage 1: informal Resolution to a Concern

Each Trust school will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

The complainant should raise the complaint as soon as possible with the relevant member of staff or the Headteacher as appropriate, either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact the respective school office.

The school will acknowledge complaints within 3 school days and investigate and provide a response within 15 school days.

The informal stage will involve a meeting between the complainant and an appropriate senior member of staff eg

- Subject / teacher concerns – Curriculum Leader or Curriculum SLT Mentor as appropriate
- Tutor concerns – Year Leader, KS3 Director, KS4 Director or Student Services SLT as appropriate
- Administration, Buildings, Health & Safety, Non-curriculum or student based complaints – Business Manager or Assistant Business Manager as appropriate

If the complaint is not resolved informally, it will be escalated to a formal complaint.

Stage 2: Formal Complaint heard by Headteacher or appropriate member of staff

The formal stage involves the complainant putting the complaint in writing, usually to the Headteacher of the respective Trust school and/or the subject of the complaint. This letter should provide details such as relevant dates, times and the names of witnesses of events, alongside copies of any relevant documents. The complainant should also state what they feel would resolve the complaint.

The school will acknowledge the complaint within 3 school days. The Headteacher (or other person appointed by the Headteacher for this purpose) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within 15 school days.

Complaints made against a Headteacher should be directed to the Chair of Governors of the respective Trust School's Local Governing Body. The Chair of Governors (or a suitably skilled Governor or appropriately qualified independent professional appointed by the Chair of Governors) will consider the complaint.

Where a complaint is against any member of the Local Governing Body, it should be made in writing to the Clerk to the Local Governing Body who will bring it to the attention of the Chair of Governors.

If the complainant is not satisfied with the response and wishes to proceed to the next stage of this procedure, they should inform the Chair of Governors of the respective Trust School's Local Governing Body (LGB) in writing within 10 school days of receiving the written conclusion.

Where the complaint is against the Chair of Governors, it should be made in writing and addressed to the Chair of the Trust Board.

Where a complaint has been addressed to or escalated to the Trust please refer to Section 6 for details of how the complaint will be managed.

Stage 3: Formal Complaint heard by Appeal Panel / Complaints Committee

Complaints will be escalated to the Panel/Committee hearing stage if the complainant is not satisfied with the response to the complaint at Stage 2.

The Panel will be appointed by or on behalf of the Trust Board and will consist of at least 2 members who have not been directly involved in the matters detailed in the complaint, and one further member who must be independent of the management and running of the school. The Panel cannot be made up solely of LGB members, as they are not independent of the management and running of the school.

The Panel will have access to the existing record of the complaint's progress (see section 8).

The complainant will have reasonable notice of the date of the Review Panel; however, the Review Panel reserves the right to convene at their convenience, rather than that of the complainant. At the Review Panel meeting, the complainant and representatives from the respective Trust school, as appropriate, will be present. Each party will provide written or oral submissions and/or evidence for consideration, 5 school days prior to the meeting.

The complainant will be allowed to attend the Panel hearing and be accompanied if they wish.

At the meeting, each individual will have the opportunity to give statements and present their evidence and witnesses will be called, as appropriate, to present their evidence.

The Panel, the complainant and the Trust school's representative(s) will be given the chance to ask and reply to questions. Once the complainant and school representative(s) have presented their cases, they will be asked to leave and evidence will then be considered by the Panel alone.

The Panel must then put together its findings and recommendations from the case. The Panel will also provide a copy of the findings and recommendations to the complainant and, where relevant, the individual who is the subject of the complaint and make a copy available for inspection by the Headteacher / Executive

Leader. If considered appropriate, the Panel may provide a verbal finding on the day, if not, the respective Trust school will inform those involved of the decision, in writing, within 10 school days.

Stage 4: Formal Complaint directed to ESFA

If the complainant believes the Trust 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 ESFA after they have completed Stage 3.

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by the Trust. They will consider whether the Trust and member school(s) have adhered to education legislation and any statutory policies connected with the complaint and whether they have followed [Part 7 of the Education \(Independent School Standards\) Regulations 2014](#).

The complainant can refer their complaint to the ESFA online at: www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:

Academy Complaints and Customer Insight Unit
Education and Skills Funding Agency
Cheylesmore House
5 Quinton Road
Coventry
CV1 2WT

6. Complaints to / about the Trust, Executive Leader or Trustee

If a complainant wishes to complain directly about the trust, then the complaint should be sent to the Executive Leader to be investigated.

The Executive Leader will write to the complainant acknowledging the complaint 3 school days of the date that the written request was received. The acknowledgement will confirm that the complaint will now be investigated under Stage 2 (formal stage) of this Complaints Policy and will confirm the date for providing a response to the complainant.

Following the investigation, the Executive Leader will write to the complainant confirming the outcome within 15 school days of the date that the letter was received. If this time limit cannot be met, the Executive Leader will write to the Complainant within 3 school days of the date that the letter was received, explaining the reason for the delay and providing a revised date.

In the event that the complaint has already been investigated at school level by the Headteacher, the complainant would be referred to Stage 3 of the process or if the complaint has already been dealt with at Stage 3 and a decision has been made, the complainant would be referred to Stage 4, ESFA.

If the complaint concerns the Executive Leader or a Trustee, the complaint should be investigated by the Chair of the Trust Board. If a formal complaint form is received about the Chair, the complaint will be referred to the Vice Chair for investigation

NB. Where the Chair of the Trust Board has investigated the complaint, they will write the letter of outcome to the Complainant and provide a copy to the Executive Leader.

If the complainant is not satisfied with the outcome of the previous stage, the complainant should write to the Clerk to the Trust Board asking for the complaint to be heard before a Complaint Panel, within 10 school days.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) 3 school days. Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 15 school days of receipt of the Stage 3 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire trust board or
- the majority of the trust board

Stage 3 will be heard by a completely independent committee panel.

The Complaint Panel will consist of three members. None of the three members of the Complaint Panel will have been involved in the incidents or events which led to the complaint, or have been involved in dealing with the complaint in the previous stages, or have any detailed prior knowledge of the complaint.

One of the Complaint Panel members will be independent of the management and running of the Academy Trust. This means that the independent Complaint Panel member will not be a Trustee or an employee of the Trust.

A complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate.

For instance, if a trust employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.

Representatives from the media are not permitted to attend.

At least 10 school days before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- request copies of any further written material to be submitted to the committee at least 7 school days before the meeting.

Any written material will be circulated to all parties at least 5 school days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place.

Consent will be recorded in any minutes taken.

The committee will consider the complaint and all the evidence presented. The committee can:

- uphold the complaint in whole or in part

- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

The Chair of the Committee will provide the complainant and the Trust with a full explanation of their decision and the reason(s) for it, in writing, within 10 school days. The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by the Trust.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the Trust will take to resolve the complaint.

The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the school premises by the proprietor and the Headteacher.

A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing.

7. Persistent complaints

Where a complainant tries to re-open the issue with the Trust or a Trust school after the complaints procedure has been fully exhausted and the school has done everything it reasonably can in response to the complaint, the Headteacher, Chair of Governors or Chair of the Trust will inform the complainant that the matter is closed.

If the complainant subsequently contacts the Trust or Trust school again about the same issue, the school can choose not to respond. The normal circumstance in which we will not respond is if:

- The Trust school has taken every reasonable step to address the complainant's needs, *and*
- The complainant has been given a clear statement of the school's position and their options (if any), *and*
- The complainant is contacting the school repeatedly but making substantially the same points each time

However, this list is not intended to be exhaustive.

Further, the Trust or a Trust school will be most likely to choose not to respond if:

- We have reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience, *and/or*
- The individual's letters/emails/telephone calls are often or always abusive or aggressive, *and/or*
- The individual makes insulting personal comments about, or threats towards, school staff

Note: This Policy is supplemented by the Parent, Carer & Visitor Expectations and Code of Conduct and via communications relating to School Policy and Procedure

Unreasonable behaviour which is abusive, offensive or threatening may constitute an unreasonably persistent complaint.

Once the school has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email.

The school will ensure when making this decision that complainants making any new complaint are heard, and that the school acts reasonably.

Unreasonably persistent complaints

The school reserves the right to reject frivolous or vexatious complaints at any time. The Office of the Independent Adjudicator has defined frivolous or vexatious complaints as follows:

- Complaints which are obsessive, persistent, harassing, prolific, repetitious
- Insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason
- Insistence upon pursuing meritorious complaints in an unreasonable manner
- Complaints which are designed to cause disruption or annoyance
- Demands for redress which lack any serious purpose of value

8. Record-keeping

The school will record the progress of all formal complaints, including information about actions taken at all stages of investigation, the stage at which the complaint was resolved and the final outcome. The records will also include copies of letters and emails and notes relating to meetings and phone calls.

This material will be treated as confidential and held centrally and will be viewed only by those involved in investigating the complaint or on the Review Panel.

This is except where the Secretary of State (or someone acting on their behalf) or the complainant requests access to records of a complaint through a Freedom of Information (FOI) Request or under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

Records of complaints will be kept in accordance with record maintenance guidelines.

The details of the complaint, including the names of individuals involved, will not be shared with the whole Trust Board in case a review Panel needs to be organised at a later point. Where the Trust Board is aware of the substance of the complaint before the review panel stage, the school will (where reasonably practical) arrange for an independent Panel to hear the complaint.

Complainants also have the right to request an Independent Panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the respective Local Governing Body, who will not unreasonably withhold consent.

9. Learning lessons

The Trust School's Local Governing Body will review any underlying issues raised by complaints with the Headteacher and/or Senior Leadership Team, where appropriate and respecting confidentiality, to determine whether there are any improvements that the school can make to its procedures or practice to help prevent similar events in the future.

10. Monitoring arrangements

The Trust School's Local Governing Body or sub-committee thereof, will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The Trust School's Local Governing Body or committee will track the number and nature of complaints, and review underlying issues as stated in section 9.

The complaints records are logged and managed by the Headteacher.

This policy will be reviewed by the Headteacher and full Local Governing Body of each Trust school every 2 years or following changes in legislation.

At each review, the policy will be approved by the Headteacher and the full Local Governing Body.

11. Links with other policies

Policies dealing with other forms of complaints include:

- Admissions policy
- Exclusions policy
- Staff grievance
- Staff disciplinary
- Whistle blowing
- Statutory assessments of Special Educational Needs (SEN)

Complainants should seek a copy of such policies from either the school office of the appropriate Trust School or via the Trust School's website.