

# Complaints Procedure Policy



Reviewed December 2019

## 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. This is best achieved through dialogue with the Class Teacher, SENCo, Parent Support Advisor or Headteacher. Concerns or complaints usually arise out of misunderstandings. Ultimately we all want the best for your child, but when things go wrong parents understandably can become anxious and it is at these times that informal meetings are not only the most productive means of solving problems, but are also the quickest.

In the rare cases where this proves unsuccessful, parents can escalate their concern or complaint to a formal procedure.

The school will aim to give the complainant the opportunity to complete the complaints procedure in full. Parents are asked to explain:

- a) What action has been taken by the school already to try and resolve the complaints, and
- b) What outcome do they feel will resolve the complaint.

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

## Legislation and guidance

This document meets the requirements of section 29 of the [Education Act 2002](#), which states that schools must have and make available a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides.

It is also based on [guidance for schools on complaints procedures](#) from the Department for Education (DfE), including the model procedure, and model procedure for dealing with unreasonable complaints.

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.

This document meets the requirements of section 35 of the schedule to [the Education \(Non-Maintained Special Schools\) \(England\) Regulations 2011](#), which states that non-maintained special schools must have and make available a written procedure to deal with complaints relating to their school.

It also refers to [good practice guidance on setting up complaints procedures](#) from the Department for Education (DfE).

## 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”. The 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”

## Roles and responsibilities

### The complainant

The complainant will get a more effective and timely response to their complaint if they:

- Follow these procedures
- Co-operate with the school throughout the process, and respond to deadlines and communication promptly
- Treat all those involved with respect
- Not publish details about the complaint on social media

### The investigator

An individual will be appointed to look into the complaint, and establish the facts. They will:

- Interview all relevant parties, keeping notes
- Consider records and any written evidence and keep these securely
- Prepare a comprehensive report to the which includes the facts and potential solutions

### Clerk to The Board of Directors

The clerk will:

- Be the contact point for the complainant and the complaints panel, including circulating the relevant papers and evidence before complaints committee meetings
- Arrange the complaints hearing
- Record and circulate the minutes and outcome of the hearing

### Committee chair

The panel chair will:

- Chair the meeting, ensuring that everyone is treated with respect throughout

- Make sure all parties see the relevant information, understand the purpose of the panel, and are allowed to present their case

## **Principles for investigation**

When investigating a complaint, we will try to clarify:

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

## **Time scales**

The complainant must raise the complaint within 3 months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident.

We will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

When complaints are made out of term time, we will consider them to have been received on the next school day.

If at any point we cannot meet the time scales we have set out in this policy, we will:

- Set new time limits with the complainant
- Send the complainant details of the new deadline and explain the delay

## **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 in this policy.

## **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.

In such cases the initial response from the school will be focussed on measures to address such unacceptable behaviour, whether physical, verbal or written. Once resolved, the complaint can then follow the procedure outlined below.

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.

### **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 acknowledgment 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.

## **Process for resolving complaints 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

### 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 Tier 1: Investigation by the Headteacher** (not a complaint against Headteacher, Trust Leadership or Directors)

#### Stage 1: Informal

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.

#### Stage 2: formal

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 (See Appendix A)

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 10 school 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 school 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 they may be accompanied 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 the complainant wish to take the complaint further they should write to the Chair of the Board of Directors C/O Sturry C.E Primary School within 10 school days of receiving the written response from the Headteacher outlining:



- a) which areas of the Headteacher's written response they dispute together with reasons why, and
- b) what further action they feel is necessary to resolve the complaint.

The Chair will convene a review panel.

### **Stage 3: Complaints review panel**

#### **Convening the panel**

The Chair of the Board will make provision for a hearing before a panel appointed by or on behalf of the proprietor and consisting of a least three people who were not directly involved in the matters detailed in the complaint. One panel member must be independent of the management and running of the school. The panel will select a chair from amongst themselves.

The complainant will be invited to attend the review panel.

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. The clerk will aim to find a date within 10 working days of the request, where possible. 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.

Any written material will be circulated to all parties at least 5 school days before the date of the meeting.

#### **At the meeting:**

At the review panel meeting, the complainant and representatives from the school, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant must be allowed to attend the panel hearing and be accompanied by a suitable companion if they wish. We don't encourage either party to bring legal representation, but will consider it on a case-by-case basis. For instance, if a school employee is called as a witness, they may wish to be supported by their union.

Attendance of a representative in place of the complainant is not acceptable.

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, complainant and the school representative will be given the chance to ask and reply to questions. Once the complainant and school representative have completed presenting their cases, they will be asked to leave and evidence will be considered.

The panel will then put together its findings and recommendations from the case. The panel will also provide copies of the minutes of the hearing and the findings and recommendations to the complainant and, where relevant, the subject of the complaint, and make a copy of the findings and recommendations available for inspection by the Headteacher.



**The outcome:**

The panel can:

- Uphold the complaint, in whole or in part
- Dismiss the complaint, in whole or in part

If the complaint is upheld, the panel will:

- Decide the appropriate action 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 Panel will ensure that you are notified of the Panel's decision within 5 working days of the hearing.

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 as the **Investigating Officer** will be allocated to carry out all the Tier 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.

**Complaints procedure Tier 2: Investigation by Investigating Officer** (complaints against the Headteacher but not Directors or Trust Leadership)

**There is no informal stage to Tier 2 complaints.**

**Stage 2: Formal**

Complaints at this stage need to be recorded in writing and addressed to the CEO of The Stour Academy Trust. 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 CEO will appoint an investigating Officer who 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 10 school 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 school 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 the Board of Directors within 20 school days of receiving the letter.

### **Stage 3:**

#### **Stage 3: Complaints review panel**

##### **Convening the panel**

The Chair of the Board will make provision for a hearing before a panel appointed by or on behalf of the proprietor and consisting of a least three people who were not directly involved in the matters detailed in the complaint. One panel member must be independent of the management and running of the school. The panel will select a chair from amongst themselves.

The complainant will be invited to attend the review panel.

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. The clerk will aim to find a date within 10 school days of the request, where possible.

Any written material will be circulated to all parties at least 5 school days before the date of the meeting.

##### **At the meeting:**

At the review panel meeting, the complainant and representatives from the school, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant must be allowed to attend the panel hearing and be accompanied by a suitable companion if they wish. We don't encourage either party to bring legal representation, but will consider it on a case-by-case basis. For instance, if a school employee is called as a witness, they may wish to be supported by their union.

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, complainant and the school representative will be given the chance to ask and reply to questions. Once the complainant and school representative have completed presenting their cases, they will be asked to leave and evidence will be considered.

The panel will then put together its findings and recommendations from the case. The panel will also provide copies of the minutes of the hearing and the findings and recommendations to the complainant and, where relevant, the subject of the complaint, and make a copy of the findings and recommendations available for inspection by the Headteacher.

##### **The outcome:**

The panel can:

- Uphold the complaint, in whole or in part
- Dismiss the complaint, in whole or in part

If the complaint is upheld, the panel will:

- Decide the appropriate action 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 Panel will ensure that you are notified of the Panel's decision within 5 working days of the hearing.

## **Complaints procedure Tier 3: Investigation by Trust Board of Directors**

(Complaints made against the CEO or Deputy CEO)

**There is no informal stage to Tier 3 complaints.**

### **Stage 2: Formal**

Complaints at this stage need to be recorded in writing and addressed to the clerk of the Board of Directors. 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.

Complaints made about the CEO or Deputy CEO should be directed to the clerk of the Board of Directors C/O Sturry Primary School.

The clerk to the Board of Directors, on behalf of the Chair of the Board, will write to the complainant to acknowledge receipt of the written request for the Board to investigate the complaint.

The Chair of the Board will appoint a suitably skilled and impartial Director (Investigating Officer) to investigate the complaint who will acknowledge the complainant within 5 school days of receiving the complaint.

The acknowledgement will give a brief explanation of the Trusts' complaints procedure and a target date for providing a response to the complaint. This should normally be within 10 school 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 school days unless it is a particularly complex issue.

The Investigating Officer/Director 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. The Board does not expect either party to bring legal representation, but will consider it on a case-by-case basis.

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 Board 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 Board of Directors within 20 working days of receiving the letter.

### **Stage 3: Complaints review panel**

#### **Convening the panel**

The Chair of the Board will make provision for a hearing before a panel appointed by or on behalf of the proprietor and consisting of a least three people who were not directly involved in the matters detailed in the complaint. One panel member must be independent of the management and running of the school in which the child(ren) attend. The panel will select a chair from amongst themselves.

The complainant will be invited to attend the review panel.

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. The clerk will aim to find a date within 10 school days of the request, where possible.

Any written material will be circulated to all parties at least 5 school days before the date of the meeting.

**At the meeting:**

At the review panel meeting, the complainant and representatives for the school, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant must be allowed to attend the panel hearing and be accompanied by a suitable companion if they wish. The Board does not expect either party to bring legal representation, but will consider it on a case-by-case basis. For instance, if a school employee is called as a witness, they may wish to be supported by their union.

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, complainant and the school representative will be given the chance to ask and reply to questions. Once the complainant and school representative have completed presenting their cases, they will be asked to leave and evidence will be considered.

The panel will then put together its findings and recommendations from the case. The panel will also provide copies of the minutes of the hearing and the findings and recommendations to the complainant and, where relevant, the subject of the complaint, and make a copy of the findings and recommendations available for inspection by the CEO/Deputy CEO.

**The outcome:**

The panel can:

- Uphold the complaint, in whole or in part
- Dismiss the complaint, in whole or in part

If the complaint is upheld, the panel will:

- Decide the appropriate action 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 Panel will ensure that you are notified of the Panel's decision within 5 school days of the hearing.

**Complaints procedure Stage 4:** Complaint Referred to Education and Skills 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 either return it to the school office or enclose it with your complaint.

|                                |  |
|--------------------------------|--|
| Your name                      |  |
| Pupil's name                   |  |
| Your relationship to the pupil |  |
| Address                        |  |
| Postcode                       |  |

|                                                                                                                                                                                                                                             |  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| Daytime phone number                                                                                                                                                                                                                        |  |
| Evening phone number                                                                                                                                                                                                                        |  |
| <p>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.</p> |  |
| Number of additional pages attached                                                                                                                                                                                                         |  |
| <p>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?)</p>                                                                                |  |
| <p>What outcome do you feel might resolve the problem?</p>                                                                                                                                                                                  |  |

|                             |                                                          |
|-----------------------------|----------------------------------------------------------|
|                             |                                                          |
| Signature                   | Date                                                     |
| Date                        |                                                          |
| <b>For Office Use only</b>  |                                                          |
| Date form received:         | Received by:                      Complaint referred to: |
| Date acknowledgement sent : |                                                          |