



## **School & Service Complaints Policy**

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## **1. Aims**

**1.1** Our Trust aims to meet its statutory obligations when responding to complaints from parents of pupils at our schools, and others.

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 and courtesy
- Ensure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into school improvement evaluation processes

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

The school or Trust (if the complaint has been sent to the CEO or Trustees) 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 Trust and school websites. Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

## **2. Legislation and Guidance**

**2.1** 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 our schools.

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).

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

In addition, it addresses duties set out in the Early Years Foundation Stage statutory framework with regards to dealing with complaints about our Trust's fulfilment of Early Years Foundation Stage requirements. 2 Complaints Procedure

### **3. Definitions and Scope**

#### **3.1 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”. Our schools 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”

#### **3.2 Scope**

The Trust intends to resolve complaints informally where possible, at the earliest possible stage.

There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

This policy does **not** cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs and disabilities (SEND)
- Safeguarding matters
- Exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline

Please see our separate policies for procedures relating to these types of complaint.

#### **3.3 Arrangements for all our Students with SEND**

Because currently all of our children and young people in our Trust have a defined special educational need, parents and carers should follow the stages of complaints as described further on in this policy.

**3.4** Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned, such as external schools' letting agencies for out of hours' activities.

## **4. Roles and Responsibilities**

### **4.1 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

### **4.2 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 CEO / Head of School / Service or complaints committee which includes the facts and potential solutions

### **4.3 The School Business Manager will be**

- Be the contact point for the complainant and the Trust's complaints committee, 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

### **4.4 Committee chair**

The committee 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 committee, and are allowed to present their case

## **5 Complaints Procedure**

### **5. 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?

#### **5.1 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

#### **5.2 Complaints about our Fulfilment of Early Years' Requirements**

We will investigate all written complaints relating to the Trust's fulfilment of the Early Years Foundation Stage requirements, and notify the complainant of the outcome within 28 days of receiving the complaint. The school will keep a record of the complaint (see section 10) and make this available to Ofsted on request.

Parents and carers can notify Ofsted if they believe that the school is not meeting Early Years Foundation Stage requirements, by calling 0300 123 4234 or 0300 123 4666, or by emailing [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk). An online contact form is also available at:

<https://www.gov.uk/government/organisations/ofsted#org-contacts>.

We will notify parents and carers if we become aware that the school is to be inspected by Ofsted. We will also supply a copy of the inspection report to parents and carers of children attending the setting on a regular basis.

## **6. Stages of Complaint (not complaints against the CEO /Head of School or Service / Trustees)**

The complaints procedure consists of at least 3 stages, including

- An informal stage,
- A formal stage
- A panel hearing.

(All meetings at all stages 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 recording of meetings or conversations take place. Consent will be recorded in any minutes taken).**

### **6.1 Stage 1: Informal**

The Trust 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 first raise the complaint **as soon as possible** with the relevant member of staff to try and resolve the issue or the Head of School / Service 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 their child's school office by phone/email, details of which can be found on each school's website.

The school will acknowledge informal complaints by email/telephone conversation within **2 school days**, and investigate and provide a response within **10 school days**.

The informal stage will involve a meeting between the complainant and the member of staff investigating the complaint and/or the subject of the complaint, as appropriate.

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

### **6.2 Stage 2: Formal**

The formal stage involves the complainant putting the complaint to the CEO / Head of School / Service or Trust board as follows:

- **By completing the complaints form shown in Appendix A of this document on page 14 and sending it to school by email or letter**
- By a third party acting on behalf of the complainant but still using Appendix A to log the formal complaint

The complainant should provide details such as relevant dates, times, and the names of witnesses of events, alongside copies of any relevant documents, **and what they feel would resolve the complaint.**

If complainants need assistance raising a formal complaint, they can contact the school office.

**6.21** The Head of School / Service (or designated member of the senior leadership team) will call a meeting to clarify concerns, and seek a resolution. The complainant may be accompanied to this meeting, and should inform the school of the identity of their companion in advance.

**6.22** In certain circumstances, the school may need to refuse a request for a particular individual to attend any such meeting – for example, if there is a conflict of interest. If this is the case, the school will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative accompaniment.

**6.23** The Head of School / Service (or designated member of the senior leadership team) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within **10 school days.**

**6.24** If the complainant still feels their complaint has not been sufficiently resolved they may wish to proceed to the next stage of the procedure. Notification of this must be within **5 school days of receiving the written conclusion** to the stage 2 investigation, they should inform the School Business Manager

- By letter or email
- Through a third party acting on behalf of the complainant

The Business Manager will need the details of the complaint as set out above, as well as details from the complainant on how they feel the previous stage of the procedure has not addressed their complaint sufficiently, **and what they feel would resolve the complaint.**

**6.25** Requests received outside of this time frame will be considered in exceptional circumstances.

**6.26** The Business Manager will acknowledge receipt of the request within 2 school days.



### **6.3 Stage 3: Review Panel**

**6.31** Complaints will be escalated to the panel hearing stage if the complainant is not satisfied with the response to the complaint at the second, formal, stage.

**6.32** The panel will be appointed by or on behalf of the Trustees and must consist of at **least 3 people** who were not directly involved in the matters detailed in the complaint.

The members of the panel will be made up of Trust Board members of the relevant school / Service who have not been involved in the issue and one panel member **must be independent** of the management and running of the School / Service.

**6.33** The panel will have access to the existing record of the complaint's progress (see section 10).

**6.34** The complainant must 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, but a minimum of 5 school days' notice will be given. At the review panel meeting, the complainant and the investigating officer and Head of School / Service from the school, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

**6.35** The complainant must be allowed to attend the panel hearing and be accompanied if they wish.

**6.36** No pupil will be permitted to attend a panel hearing unless invited to do so by the panel and in which case, the child will leave the panel hearing immediately after being spoken to by the panel.

**6.37** 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.

**6.38** The panel, the complainant and the school 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.

**6.39** 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 individual who is the subject of the complaint, and make a copy available for inspection by the Chair of Trustees and CEO. The Chair of Trustees and CEO will be provided with copies of the complaint outcome letters.

**6.40 The school will inform those involved of the decision in writing within 5 school days.**

## **7. Complaints against the CEO / Head of School / Service, a Trustee or the Trust Board**

### **7.1 Stage 1: informal**

- a) Complaints made against the Head of School / Service or a member of the Trust Board (not the chair) should be directed to the Chair of the School Advisory Committee in the first instance who will assign a suitably-skilled and impartial Trustee to carry out the steps at stage 1 (set out in section 6.1 above).
- b) If the complaint is about the Chair of School Advisory Committee, the complaint should be directed to the Chair of Trustees who will assign a suitably-skilled and impartial Trustee to carry out the steps at stage 1 (set out in section 6.1 above).

### **7.2 Stage 2: formal**

The formal stage involves the complainant putting the complaint to either:

- a) The Chair of the School Advisory Committee (for complaints against the Head of School / Service or member of the School Advisory Committee), who will, with the support of the CEO, conduct their own investigation in line with 6.2.
- b) The Chair of Trustees (for complaints against the chair of the School Advisory Committee), who will, with the support of the CEO, conduct their own investigation in line with 6.2.

The complainant must complete in writing the form in Appendix 1

Both will write a formal response to the complainant at the end of their investigation.

### **7.3 Stage 3: Review Panel**

Complaints will be escalated to the panel hearing stage if the complainant is not satisfied with the response to the complaint at the second, formal stage.

The panel will be appointed by or on behalf of the Trust and must consist of at least 3 people who were not directly involved in the matters detailed in the complaint, one of which will be a Trustee.

**7.4** If the complaint is about a Trustee, the Chair of Trustees will investigate the complaint. If the complaint is about the Chair of Trustees, a committee of independent persons will hear the complaint. They will be sourced from the Members of the Trust and will carry out the steps at stage 3 (set out in section 6.3 above).

## **8. Referring complaints on completion of the school's procedure**

**8.1** If the complainant is unsatisfied with the outcome of the Trust's complaints procedure, they can refer their complaint to the ESFA. The ESFA will check whether the complaint has been dealt with properly by the school. The ESFA 9 Complaints Procedure will not overturn a school's decision about a complaint. However, it will look into:

- Whether there was undue delay, or the school did not comply with its own complaints procedure
- Whether the school was in breach of its funding agreement with the secretary of state
- Whether the school has failed to comply with any other legal obligation

**8.2** If the school did not deal with the complaint properly, it will be asked to re-investigate the complaint. If the school's complaints procedure is found to not meet regulations, the school will be asked to correct its procedure accordingly.

For more information or to refer a complaint, see the following webpage:

<https://www.gov.uk/complain-about-school>

We will include this information in the outcome letter to complainants.

## **9.0 Unreasonably Persistent Complaints**

Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:

- Has made the same complaint before, and it's already been resolved by following the school's complaints procedure
- Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
- Knowingly provides false information
- Insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure

- Pursues a valid complaint, but in an unreasonable manner e.g. refuses to articulate the complaint, refused to co-operate with this complaints procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the time frames it sets out
- Changes the basis of the complaint as the investigation goes on
- Makes a complaint designed to cause disruption, annoyance or excessive demands on school time
- Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value

### **9.1 Steps we will take**

We will take every reasonable step to address the complainant's concerns, and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including 10 Complaints Procedure when we meet with individuals. We will follow our complaints procedure as normal (as outlined above) wherever possible.

If the complainant continues to contact the school in a disruptive way, we may put communications strategies in place. We may:

- Give the complainant a single point of contact via an email address
- Limit the number of times the complainant can make contact, such as a fixed number per term
- Ask the complainant to engage a third party to act on their behalf, such as Citizens Advice
- Put any other strategy in place as necessary

### **9.2 Stopping Responding**

We may stop responding to the complainant when all of these factors are met:

- We believe we have taken all reasonable steps to help address their concerns
- We have provided a clear statement of our position and their options
- The complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience

Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make.

**9.3** In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from our school site.

## **9.4 Duplicate Complaints**

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account.

If we are satisfied that there are no new aspects, we will:

- Tell the new complainant that we have already investigated and responded to this issue, and the local process is complete
- Direct them to the DfE if they are dissatisfied with our original handling of the complaint.

If there are new aspects, we will follow this procedure again.

## **9.5 Complaint Campaigns**

Where the school receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the school, the school may respond to these complaints by:

- Publishing a single response on the school website
- Sending a template response to all of the complainants

If complainants are not satisfied with the school's response, or wish to pursue the complaint further, the normal procedures will apply.

## **10. Record Keeping**

**10.1** The school will record the progress of all complaints, including information about actions taken at all stages, 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 through a subject access request under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

**10.2** Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and in line with guidance in with the Information and Records Information Schools' Toolkit Schedule.

**10.3** 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 all of the Trust Board is aware of the substance of the complaint before the review panel stage, the Trust will (where reasonably practicable) 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 Trust board, who will not unreasonably withhold consent.

### **11. Learning Lessons**

The School Advisory Committees /Trust board will review any underlying issues raised by complaints with the Head of School / Service /CEO 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.

### **12. Monitoring Arrangements**

The School Advisory Committee, along with the Head of School / Service and CEO will monitor the effectiveness of the complaints procedure in its school, ensuring that complaints are handled properly. The local governing board, along with the Head of school / Service and CEO, will track the number and nature of complaints, and review underlying issues as stated in section 11.

The complaints records are logged and managed the School Business Manager in each school.

This policy will be reviewed by the Trustees' Audit Committee every 3 years.

At each review, the policy will be approved by the full board of Trustees.

### **13. Links with Other Policies**

Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy and procedures
- Admissions policy
- Exclusions policy
- Staff grievance procedures
- Staff disciplinary procedures
- SEN policy
- Privacy notices

## **APPENDIX A**

### **Formal Complaint Form**

### **Stage 2**

Please complete and return the following form to the School Business Manager \_\_\_\_\_ who will acknowledge receipt and explain what action will be taken.

<b><u>School / Service Name:</u></b>
<b><u>Your Name:</u></b>
<b><u>Pupil's Name (If Relevant):</u></b>
<b><u>Your Relationship to the Pupil (If Relevant):</u></b>
<b><u>Address:</u></b>
<b><u>Post Code:</u></b>
<b><u>Daytime Telephone Number:</u></b>
<b><u>Evening Telephone Number :</u></b>
<b><u>Email Address:</u></b>
<b><u>Please underline the who you are addressing this form to:</u></b>  a) To the Head of School / Service ( for complaints about a member of staff or a school issue) b) The Chair of the School Advisory Committee ( for complaints against the Head of School / Service or member of the School Advisory Committee) c) The Chair of Trustees ( For complaints against the CEO / Chair of the School advisory Committee)

**Please give details of your complaint, including whether you have spoken to anybody at school about it.**

**What actions do you feel might resolve the problem at this stage? This section must be completed.**

**Are you attaching any paperwork? If so please give details.**

**Signature:**

**Date:**



**OFFICIAL USE**

**Date acknowledgement sent:**

**By Whom:**

**Complaint Referred to :**

**Date:**