

Complaints Policy



Statement of Intent

Our vision is to promote a love of learning in order to maximise the life chances of every child in our Trust. Through nurturing, high expectations and skilled teaching, we will have a lasting and positive impact on our local and wider community.

Under the Equality Act 2010 and the Public Sector Equality Act which came into force in April 2011, the Trust has due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations.

All our Trust schools are gold level Rights' Respecting schools. By becoming Rights' Respecting schools, we have adopted a coherent values framework which shapes the ethos and curriculum of the school. In our learning, teaching, action and word, we recognise and support the rights of all children, and celebrate diversity. This, and our core values of: trust, excellence, aspiration, collaboration and honesty, underpin our educational provision. This enables us to improve self-esteem, enhance moral and academic development, improve relationships and behaviour, eliminate prejudice, and develop global citizenship.

Aims

Our school aims to meet its statutory obligations when responding to complaints from parent(s)/carer(s) of pupils at the school, and others.

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Address all the points at issue and provide an effective and prompt response
- Treat complainants with respect
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into school improvement evaluation process

Principles

- Each school within the TEACH Trust will attempt to resolve problems informally wherever possible. An effective response and appropriate redress should be provided swiftly and simply.
- An anonymous complaint will not be investigated unless there are exceptional circumstances.
- To allow for a proper investigation complaints should be brought to the attention of the school/Trust as soon as possible. Any matter raised more than 3 months after the event being complained of will not be considered except in exceptional circumstances
- Vexatious/Unreasonable Complaints. There may be occasions when, despite all stages of the complaints procedure having been followed, the complainant remains dissatisfied. If a complainant tries to re-open an issue the Chair of the Trust Board will inform them in writing that the procedure has been exhausted and the matter is now closed. Vexatious complaints can be found later in this policy.
- Complaints delivered to the school outside of term time will be deemed to have been received on the first day the school returns from its break.

Definitions and Scope

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.”

The school intends to resolve complaints informally where possible, at the earliest possible stage. There may be occasions when complainants would like to raise their complaints formally. This policy outlines the procedure relating to handling such complaints.

This policy covers all informal complaints and formal complaints, other than those set out below. It is for use by parent(s)/carer(s) of pupils at one of the Trust schools or those who recently attended one of the schools. Consideration can be given to complaints made by parent(s)/carer(s) of pupils who no longer attend one of the schools, provided the complaint is received within 3 months of the child ceasing attendance at the school.

Formal complaints in the following areas will be dealt with under the relevant procedures, some of which are statutory procedures:

- Admissions
- Exclusion
- Statutory assessment of Special Educational Need (SEN)
- Safeguarding matters
- Complaints about services provided by other providers, such as contractors
- Whistle-blowing
- Staff grievances
- Staff discipline

Principals 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

We also intend 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.

Any decision made by a school, must also be made in line with the principles of administrative law. This means a decision is:

- lawful - it complies with education and other law, including human rights and equality law, such as the [Human Rights Act 1998](#) and the [Equality Act 2010](#)
- rational
- reasonable
- fair
- proportionate

Decision-makers should also be mindful of [The 7 Principles of Public Life](#).

Resolving Complaints

At each stage of the procedure, the TEACH Trust wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following;

- An explanation
- An admission that the situation could have been handled differently or better
- An assurance that we will try to ensure the event complained of will not recur
- An explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- An undertaking to review school policies in light of the complaint
- An apology

Withdrawal of a complaint

If a complainant wants to withdraw their complaint at any stage, we will ask them to confirm this in writing.

Stage One. Informal Complaint Class teacher/Year Leader.

Any initial complaint will be heard by your child's class teacher or Year leader.

Ask or write (**appendix A**) to your child's class teacher or the Year Leader requesting that you speak to them confidentially. This will alert them to the importance of the conversation. They will make contact with you within 7 school days, or sooner if possible, either in writing, or, in order to arrange to meet/talk with you privately. Any meeting will be at a time that is mutually convenient.

Note. If you are invited to a meeting, and feel you would have difficulty speaking to either the class teacher or Year Leader then please make an appointment via the school office to speak to the Deputy. Speaking to the Deputy does not automatically mean the complaints procedure has moved to stage 2.

At the meeting, the member of staff will make a brief note of the conversation so that important information/details will not be forgotten. You may receive a response at the meeting that will re-assure and remedy your complaint. If this is not the case then the teacher or Year leader will arrange to respond to your complaint within the next 7 to 10 school days. This will allow them to pursue/investigate the matter further and seek to resolve it. Additional meetings may be required.

Stage Two. Informal Complaint. Deputy Headteacher

You are dissatisfied with the way your complaint has been handled by the classteacher or Year leader. The matter needs referral to the Deputy. **Appendix B**

Either detail your complaint in writing to the Deputy Headteacher or ask the school office for an appointment with the Deputy Head. A response in writing or an appointment should be arranged within 7 school days. The Deputy will meet with you privately. This meeting will be at a time that is mutually convenient.

If a meeting is arranged, the Deputy will make a brief note of the conversation so that important information/details will not be forgotten. You may receive a response at the meeting that will re-assure and remedy your complaint. If this is not the case then the Deputy will arrange to meet with you again within the next 7 to 10 school days. This will allow them to pursue/investigate the matter, respond to your complaint and seek to resolve it. Additional meetings may be required.

Stage Three. Informal Complaint. Head of School

You are dissatisfied with the way your complaint has been handled by the Deputy. The matter needs referral to the Head of School. **Appendix C**

Either detail your complaint in writing to the Head of School or ask the school office for an appointment with the Head of School. A response in writing or an appointment should be arranged within 7 days. The HOS will meet you privately. This meeting will be at a time that is mutually convenient.

If a meeting is arranged, the HOS will make a brief note of the conversation so that important information/details will not be forgotten. You may receive a response at the meeting that will re-assure and remedy your complaint. If this is not the case then the HOS will arrange to respond to your complaint within the next 7 to 10 school days. This will allow them to pursue/investigate the matter and seek to resolve it. Additional meetings may be required.

Stage Four. Formal Complaint to the Executive Head/CEO

You are dissatisfied with the way your complaint has been handled by the Head of School. The matter now needs to be managed under the Formal Complaints Procedure. **Appendix D**

Complete appendix D (Formal Complaint Form) giving full details of your complaint etc. Return this form to the school office marked 'EHT/CEO, TEACH Trust, Confidential'. The school office will ensure the complaint is forwarded to the Trust Executive Headteacher/Chief Executive Officer. The EHT/CEO will liaise directly with yourself and they should contact you within the next 14 school days from receipt.

Stage Five. Trust Complaints Appeal Panel

You are dissatisfied with the way your complaint has been handled by the EHT/CEO of the Trust. **Submit appendix E** (Formal Complaint Form) giving full details of your complaint etc. Return this form to the school office marked Clerk to the Trust Board, Confidential. The school office will ensure the complaint is forwarded to the Clerk. The Clerk to the Trust Board, will liaise directly with yourself and should contact you within the next 14 school days.

This will allow time to convene a Trust Complaints Panel and notify you of the date and time. This time frame may extend longer if convening a panel proves difficult but the Clerk will keep you informed. The panel will be convened at a mutually convenient time for both you and the Trustees. When the meeting date has been agreed between the complainant and panel it is important that the date is kept. Only in exceptional circumstances will a complaints meeting be cancelled. The Clerk will arrange for notes/minutes to be taken of the meeting.

The Trust Complaints Appeal Panel usually consists of 3 Panel members and will ensure that at least one member of the panel is independent of the management and running of the Academy. It is a matter for the Academy to identify suitably independent individuals who can fulfil the role and responsibility of being the independent member. All Panel members will have no prior involvement or knowledge of the complaint. Prior to the meeting they will decide amongst themselves who will act as the Chair of the Complaints Appeal Panel. The complainant will be invited to attend the Trust Complaints Panel Meeting, and may be accompanied if they wish but can alternatively decide to submit written representations, if they prefer.

Representatives from the media are not permitted to attend.

At least 5 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 5 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.

Trust Complaints Appeal Panel Meeting

The panel meeting will follow the guidance issued by the Department for Education which is as follows;

The Panel will consider the complaint and all the evidence presented. The Panel 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 Panel 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 Trust Complaints Appeal Panel will provide the complainant with a full explanation of their decision and reason(s) for it, in writing, within 10 school days.

The letter to the complainant will include details of how to contact the ESFA if they are dissatisfied with the way their complaint has been handled by the TEACH Trust.

The Trust Complaints Panel Appeal Meeting is the last school-based stage of the complaints process. **The decision of the appeal panel is final. This is the final stage of the complaints procedure.**

Complaints against the CEO/ Executive Headteacher or a Trustee

Complaints made against the CEO/ Executive Headteacher should be directed to the Chair of the Trust via the clerk.

Where a complaint is against the Chair of the Trust or any Trustee, it should be made in writing to the Clerk to the Trust Board, in the first instance.

Referring complaints on completion of the school's policy

If the complainant is unsatisfied with the outcome of the school'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 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

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 to the ESFA online at:

<https://www.gov.uk/government/publications/complain-about-an-academy/complain-about-an-academy> or by writing to:

ESFA Complaints
Chief Executive's Office
Cheylesmore House
Quinton Road
Coventry
CV1 2WT

Complaints cannot be referred to the ESFA if the school has duly followed its Complaints Policy, even if the complainant disagrees with the outcome.

Persistent/vexatious/anonymous complaints

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

If the complainant subsequently contacts the 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 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.

The 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/slandering personal comments about, or threats towards, school staff

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

Anonymous complaints, where there is no clear complainant, will not be normally be investigated or responded to, unless there are exceptional circumstances.

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.

Referral to the Office of State for Education

Section 496 of the 1996 Act allows for a person to complain to the Office of State if they feel that a Governing Body/Trust Board has acted, or is proposing to act, unreasonably with respect to the power conferred or duty imposed by that Act. Such a complaint is unlikely to be successful where a school can show that it has acted reasonably in seeking to resolve a complaint and has used a fair procedure.

Withdrawal of Complaint

The complainant may ask for his/her complaint to be withdrawn at any stage of the formal process and this will be acknowledged in writing.

Approved by Trustees April 2019
Review date April 2020

Complaints Policy

Equality Impact Assessment

Question	Response	
Which relevant groups and stakeholders have been consulted with in relation to this policy?		Please tick
	Pupils	
	Trustees	✓
	Staff	
	Parents/Carers	
	Local Authority	
	Trade Unions	✓
What are the arrangements for monitoring and reviewing the actual impact of the policy?	Termly	
	Annually	✓
	When applied	
	If legislation changes	✓
	If a formal complaint	✓

Characteristic Group	Is there a potential for positive or negative impact?	Please explain and give examples of any evidence/data used	Action to address potential positive/negative impact (e.g. adjustment to the policy)
Disability			
Gender reassignment			
Marriage or civil partnership			
Pregnancy and maternity			
Race			
Religion or belief			
Sexual orientation			
Sex (gender)			
Age			
SEN			
Vulnerable			
Traveller, migrant, refugees and people seeking asylum			
EAL			