



# Complaints Policy

## 2020/2021

Signed by:

Michelle Murray, Executive Principal / CEO

Date: 11/10/2020

Signed by:

James Evans, Chair of Trustees

Date: 11/10/2020

## Revision History

Date	Document Version	Document Revision History	Document Author / Reviser
Autumn 2018	1.0	Academy Level Policy	J Appleton.V McManus
25/09/2019	1.1	Document annual review. Minor amendments and reformatting, no significant changes. Ratified on 25/09/2019 by Trust Board then circulated to Academies.	Jill Jones, SBM
Sept 2020	1.2	Document annual review Minor amendments – no significant changes. Approved on 11/10/20 following Trust Board meeting on 25/09/20, circulated to Admin Managers/Headteachers on 11/10/20 to circulate to staff and AGBs.	Jill Jones, ELT Primary SBM
Jan 2021	1.3	Addition of Addendum for National Lockdown due to Covid19 Wording as per Browne Jacobson (DK) & as per DfE advice.	J Jones, HR & Compliance Manager

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## Introduction

The Trustees of the Education Learning Trust have approved and adopted this procedure to allow parents/carers of pupils attending schools of the ELT to raise a concern or complaint. The policy also makes provisions for concerns or complaints received from persons other than parents / carers or pupils.

This procedure does not apply to concerns and complaints relating to the following, which are dealt with under separate procedures:

- exclusions;
- admissions;
- appeals relating to internal assessment decisions for external qualifications;
- complaints about SEND or Educational Health and Care Plans;
- grievances or disciplinary issues relating to members of staff; or
- issues related to child protection.
- Matters likely to require a child protection investigation
- National curriculum content
- Complaints about services provided by other providers who may use school premises or facilities
- School re-organisation proposals
- Complaints about collective worship

The aims of the procedure are:

- to deal with any complaint against an academy or any individual connected with it by following the correct procedure;
- to deal with all complaints thoroughly and by being open, honest and fair when dealing with the complainant.

All staff will be made aware of this complaints procedure and are expected to review this policy regularly in order that they are familiar with our process of dealing with complaints and can be of assistance when an issue is brought to their attention.

## Understanding this procedure

In order to investigate your complaint as fully as possible, we have implemented a staged approach, a summary of which is set out at Appendix 1. We anticipate that almost all complaints that arise will be resolved at Stage 1 or Stage 2 below.

We expect our members of staff to be addressed in a respectful manner and for communication to remain calm at all times. The procedure under Part 2 of this policy will only be used on very rare occasions to deal with unreasonably persistent complainants or unreasonable complainant behaviour.

To enable a proper investigation, concerns or complaints should be brought to the attention of the academy as soon as possible. In general, any matter raised more than 3 months after the event (the subject of the complaint) will not be considered.

An anonymous concern or complaint will not be investigated under this procedure unless there are exceptional circumstances.

If it becomes necessary to alter the time limits and deadlines set out within this procedure, you will be advised accordingly and given an explanation as to why this has been the case and provided with revised timescales.

In this procedure:

- 'school days' excludes weekends and academy holidays;
- 'parent' means a parent, carer or anyone with legal responsibility for a child.

## **PART 1: Complaints Procedure**

### **Stage 1: Informal concerns**

Many enquiries and concerns can be dealt with satisfactorily by the class teacher, or other members of staff without the need to resort to the formal procedure. We value informal meetings and discussions and encourage parents to approach staff with any concerns they may have, and aim to resolve all issues with open dialogue and mutual understanding.

Where issues are not able to be satisfactorily resolved by the class teacher, then this should always be referred to the Assistant Headteacher or Deputy Headteacher thereafter.

It is always helpful if you can fully explain the nature of the concern and identify the outcome you are looking for. You may be invited to an informal meeting with the member of staff most appropriate for dealing with that concern. The member of staff dealing with the concern will make sure that you are clear on what action (if

any) has been agreed. This may be put in writing if appropriate.

If the matter is brought to the attention of the Headteacher s/he may decide to deal with your concerns directly at this stage. If the concerns are about the Headteacher these should be referred directly to the Chair of the local governing body under Stage 2.

There is no suggested timescale for resolution at this stage given the importance of dialogue through informal discussion, although it would be expected that most issues will be resolved within 15 school days. Where no satisfactory solution has been found, you will be advised that if you wish your concerns to be considered further you should write to the Headteacher under Stage 2.

## **Stage 2: Formal Written Complaints**

If your concerns are not resolved under Stage 1 or you wish your concerns to be dealt with immediately as a formal complaint, you should put your complaint in writing and send this to the Headteacher of the relevant academy, which in the vast majority of cases will be the academy school which your child attends.

Your written complaint should include details which might assist the investigation, such as the nature of the complaint, details of how the matter has been dealt with so far, the names of potential witnesses, dates and times of events and copies of all relevant documents. It is very important that you include a clear statement of the actions that you would like the academy to take to resolve your complaint. You may wish to use the Complaint Form provided in Annex 3.

Your complaint will normally be acknowledged in writing within 5 school days of receipt. The acknowledgement will give a brief explanation of the academy's complaints procedure and a target date for providing a response to the complaint. This will normally be within 15 school days of receipt.

The Headteacher (or someone appointed by them) will usually invite you to a meeting to clarify your complaints and to explore possible resolutions. If you accept that invitation, you may be accompanied by one other person, such as a friend, relative, advocate or interpreter, to assist you. Where possible, this meeting will take place within 10 school days of receipt of the written complaint.

It may be necessary for witness statements to be taken from pupils involved. The school should always ensure that cases are not focused on, or target individual pupils and statements taken will be in the full knowledge of parents, as they may wish to support/accompany their child. The school may wish to reserve this right where there are safeguarding concerns about the pupil. If the complaint is against a member of staff then they must have the opportunity to present their case and seek advice if they so wish.

Once all the relevant facts have been established as far as possible, you will be provided with a written response to the complaint, including a full explanation of the decision and the reasons for it. This will include what action the academy will take to resolve the complaint (if any). You will be advised that if you are dissatisfied with the outcome of the complaint, you may request that your complaint be heard by the Complaints Committee.

If in the early stages of the investigation, the Headteacher considers that the complaint is best dealt with immediately at Stage 3, it will be passed to the Chair of the academy's local governing body/trustees and you will be informed of this action without delay.

### **What if the complaint is about the Headteacher?**

If the complaint is about the Headteacher, or if the Headteacher has been closely involved at Stage 1, your complaint should be sent to the Chair of the academy's local governing body who will carry out all the Stage 2 procedures.

### **What if the complaint is about a member of the academy's local governing body?**

You should contact the Chair of the academy's local governing body who will investigate the concerns in accordance with Stage 2. If the complaint is about the Chair of the academy's local governing body you should contact the Vice Chair.

If the complaint is about the academy's local governing body as a whole, you should send your complaint to the Chair of the trustees c/o Education Learning Trust.

### **Stage 3: Referral to the Complaints Committee**

If you are dissatisfied with the decision under Stage 2, you may request that a Complaints Committee be convened to consider your complaint. Your request will only be considered if you have completed the relevant procedures at Stages 1 and 2.

To request a hearing before the Complaints Committee, you should complete the School Complaint Request Form (Appendix 5) and send this to the Clerk of the local governing body at the academy address OR where the complaint is concerned with the local governing body, Education Learning Trust trustees c/o Gatley Primary School, Hawthorn Road, Gatley, SK8 4NB within 10 school days of receiving notice of the outcome of Stage 2. This can be sent by registered post or password protected email.

You should ensure that you provide copies of all relevant documents and state all the grounds for your complaint and the outcome that you are looking for. This should make explicit the reasons for which you remain dissatisfied with outcomes of the Stage 2 investigation. Failure to do this may result in the complaint not being considered at Stage 3.

Your written request will be acknowledged within 5 school days of receipt.

The Clerk will arrange for a Complaints Committee to be convened, made up of at least three members, including:

- members of the academy's local governing body and/or trustees of the academy trust with no prior involvement in the matter; and,
- one person who is independent of the management and running of the school with no prior involvement in the matter.

The Clerk shall appoint one of these members to be the Chair of the Committee.

Every effort will be made to enable the hearing to take place within 20 school days of the receipt of your request. As soon as reasonably practicable and in any event at least 5 school days before the hearing, you will be sent written notification of the date, time and place of the hearing, together with brief details of the committee members who will be present. Fair consideration will be given to any bona fide objection to a particular member of the committee. The notification will also inform you of your right to be accompanied to the meeting by a friend, relative, advocate

or interpreter and explain how the meeting will be conducted. You should notify the Clerk in advance if you intend to bring anyone to the hearing.

A copy of the complaint and any other documents provided by you in support of your complaint or by the academy in defence of the complaint will be provided to the Complaints Committee as soon as practicable upon receipt. Copies of these documents shall also be provided to you or Headteacher (as applicable) at least 3 school days before the hearing. The Complaints Committee reserves the right not to consider any documentation presented by either you or the academy less than 3 school days prior to the hearing. The Complaints Committee is under no obligation to hear oral evidence from witnesses but may do so and/or may take written statements into account.

The hearing will be conducted in such a way as to ensure that each party has the opportunity to address the Complaints Committee. The procedure to be followed during the hearing will be set out to the parties by letter in advance of the hearing. The Clerk will ensure that sufficient notes are taken to record an accurate reflection of the points considered and any decisions taken or actions agreed.

Unless otherwise stated, the procedure for an appeal will usually proceed as follows:

- the parent and Headteacher enter the hearing together;
- the Chair of the Committee introduces the committee members and outlines the process;
- the parent will explain their complaint;
- the Headteacher and committee members will question the parent;
- the Headteacher will explain the academy's actions;
- the parent and the committee members will question the Headteacher
- the parent will sum up their complaint;
- the Headteacher will sum up the academy's actions;
- the Chair of the Committee will explain that both parties will hear from the committee within 10 school days;
- both parties will leave together while the committee decides;
- the Clerk will stay to assist the committee with its decision making.



After the hearing, the Complaints Committee will consider their decision and inform you of their decision and, if relevant, the person complained about in writing within 10 school days. The outcome information must be available for inspection on the school premises by the Headteacher and CEO. The letter will set out the decision of the committee together with the reasons underpinning that decision. The committee can (by a majority if necessary):

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint;
- recommend changes to the academy's systems or procedures to ensure that problems of a similar nature do not happen again.

#### **Stage 4: Referral of complaint to Education and Skills Funding Agency (ESFA)**

If you are dissatisfied with the decision of the Complaints Committee, you are entitled to refer your complaint to the Education and Skills Funding Agency (ESFA) who has limited powers to review the handling of the complaint in accordance with ESFA's 'Procedure for dealing with complaints about Academies'.

The ESFA will consider complaints that fall into any of the following three categories:

1. where there is undue delay or the school did not comply with its own complaints procedures when considering a complaint;
2. where the school is in breach of its funding agreement with the Secretary of State; or
3. where the school has failed to comply with any other legal obligation.

At the time of writing this procedure, the ESFA procedure and the EFA academy complaints form are available at:

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

#### **Records of complaints**

A written record will be kept of all complaints, including at what stage they were resolved. Correspondence, statements and records relating to individual complaints will be kept confidential except where access is requested by the Secretary of State or where disclosure is required in the course of a school inspection or under other legal authority.

## **PART 2: Unreasonably persistent complainants and unreasonable complainant behaviour**

There are rare circumstances where we will deviate from the Complaints Procedure set out in Part 1. These include, but are not necessarily limited to:

- where the complainant's behaviour towards staff, members of the local governing body or trustees is unacceptable, for example, is abusive, offensive or threatening;
- where, because of the frequency of their contact with the academy, the complainant is hindering the consideration of their or other people's complaints and/or the proper running of the academy;
- where the complainant uses Freedom of Information requests excessively and unreasonably
- where the complainant insists upon pursuing unsubstantial complaints and/or unrealistic or unreasonable outcomes and/or insists upon pursuing complaints in an unreasonable manner;
- where the complainant insists on only dealing with the Headteacher on all occasions irrespective of the issue and the level of delegation in the school to deal with such matters;
- where the complainant's complaint is clearly vexatious and/or has patently insufficient grounds;
- where the complainant's complaint is the same, similar to or based on the same facts of a complaint which has already been considered in full by the academy.

For the purpose of this policy, harassment is the unreasonable pursuit of the actions above in such a way that they:

- (a) appear to be targeted over a significant period of time on one or more members of school staff and / or
- (b) cause ongoing distress to individual member(s) of school staff and / or
- (c) have a significant adverse effect on the whole / parts of the school community and / or
- (d) are pursued in a manner which can be perceived as intimidating and oppressive by the recipient. This could include situations where persistent demands and criticisms, whilst not particularly taxing or serious when

viewed in isolation, have a cumulative effect over time of undermining confidence, well-being and health.

In the case of persistent or vexatious complaints and/or harassment, the school will verbally inform the complainant that his/her behaviour is considered to be becoming unreasonable / unacceptable and, if it is not modified, action may be taken in accordance with this policy. This will be confirmed in writing.

If the complainant's behaviour is not modified the school will take some or all of the following actions as necessary, having regard to the nature of the complainant's behaviour and the effect of this on the school community:

- (a) inform the complainant in writing that his/her behaviour is now considered by the school to be unreasonable/unacceptable and, therefore, to fall under the terms of this;
- (b) inform the complainant that all meetings with a member of staff will be conducted with a second person present and that notes of meetings may be taken in the interests of all parties;
- (c) conduct the Complaints Committee on the papers only i.e. not hold a hearing;
- (d) refuse to consider the complaint and refer the complainant directly to Stage 4;
- (e) restrict the complainant's access to the academy e.g. requesting contact in a particular form (for example, letters only), requiring contact to take place with a named person only, restricting telephone calls to specified days and times or banning the complainant from the academy's premises;
- (f) consider putting in place a specific procedure for dealing with complaints from the complainant, i.e. the complainant will not be able to deal directly with the Headteacher but only with a third person to be identified by the academy's local governing body, who will investigate, determine whether or not the concern / complaint is reasonable or vexatious and then advise the Headteacher accordingly.

In all cases we will write to tell the complainant why we believe his or her behaviour is unacceptable or unreasonably persistent, what action we are taking and the duration of that action.

Where the behaviour is so extreme that it threatens the immediate safety and welfare of staff, members of the academy's local governing body or trustees, we will consider other options, for example reporting the matter to the police or taking

legal action. In such cases, we may not give the complainant prior warning of that action.

### **Monitoring and Review**

The Headteacher logs all complaints received by the school, and records how they were resolved. Governors examine this log on an annual basis.

The Board of Trustees monitor the complaints procedure, in order to ensure that all complaints are handled properly. They also take into account any local or national decisions that affect the complaints process, and make any modifications necessary to this policy. This policy is made available to all parents, so that they can be properly informed about the complaints process.

This policy will be reviewed annually.

## **APPENDIX 1 - The Complaints Procedure**

### **Stage 1 – Informal**

Complaints managed by relevant member of staff.

### **Stage 2 – Formal written complaint to: Headteacher**

Complete parent complaint from Appendix 3 to submit a formal written complaint to the Headteacher.

The School should:

- Acknowledge complaint within 5 school working days.
- Offer to hold a investigation meeting scheduled to take place within 10 school days
- Respond within 15 school working days

In addition a copy of the complaints policy will be provided.

### **Stage 3 – To Governors complaints panel.**

Complete school complaint review request form citing areas where you remain dissatisfied (Appendix 5).

Submit to Chair of Governor (LGB) within 10 school working days of stage 2 outcome.

School should:

- Acknowledge within 5 school working days
- Convene committee within 20 school working days
- Invitation will be send at least 5 school working days prior to the meeting
- Copies of supporting documents shared 5 school working days prior to the meeting.
- Respond of outcome within 10 school working days.

### **Stage 4 – Referral of Complaint to Education and Skills Funding Agency (ESFA)**

If you remain dissatisfied complete the ESFA Complaints form available at <https://www.gov.uk/government/publications/complain-about-an-academy/complain-about-an-academy>



### APPENDIX 3 – Parental Complaint Form

<b>PARENTAL COMPLAINT FORM</b>	
Stage 2: Formal Written Complaints	
When we receive a complaint, we aim to acknowledge its receipt within 5 days and send a full or interim response within 15 days.	
<b>Name of parent / carer</b>	
<b>Pupil's Name</b>	
<b>Address</b>	
<b>Postcode</b>	
<b>Telephone (day)</b>	
<b>Telephone (evening)</b>	
<b>What is your concern and how has it affected your child?</b>	
<b>Are you attaching any paperwork? If so, please list this below:</b>	
<b>Have you discussed this matter with a member of staff before filling in this form? If so, who did you speak to and what was the response?</b>	
<b>What would you like to happen as a result of making this complaint?</b>	
<b>Signature:</b>	<b>Date:</b>
<b>Official use only</b>	<b>Complaint reference number:</b>
<b>Initial response and acknowledgment:</b>	<b>Action taken:</b>
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By whom:	
Date:	Date:

**Data Protection Act** - We will only process your personal data to respond to your complaint. In general, this data will be used for administrative and statistical purposes.



**APPENDIX 4 – School Actions Complaints Pro-Forma**

<b>SCHOOL ACTIONS COMPLAINTS PRO-FORMA</b>		
Stage 2: Formal Written Complaints		
<b>Date complaint referred to school staff</b>		
<b>Date complaint referred to Headteacher</b>		
<b>Date complaint acknowledged by letter</b>		
<b>School's Complaint Procedures forwarded?</b>		YES / NO
<b>Target date for response</b>		
<b>General nature of complaint</b>		
<b>Date of meeting with parent</b>		
<b>Others present at meeting</b>		
<b>Statements attached?</b>		YES / NO
<b>Witnesses interviewed</b>		
<b>Date</b>		
<b>Pupils interviewed in the presence of</b>		
<b>Date</b>		
<b>Records of correspondence / telephone calls etc. attached?</b>		YES / NO



<b>Date of notification of decision to parents</b>	
<b>Written response attached?</b>	YES / NO
<b>Date complaint referred to Governing Body</b>	
<b>Third Party Involvement</b>	

**APPENDIX 5 – School Complaint Review Request Form**

<p><b>SCHOOL COMPLAINT REVIEW REQUEST FORM</b></p> <p>Stage 3: Formal Written Complaints</p>
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<b>Complainant Name(s)</b>	
<b>General nature of complaint</b>	
<b>Reasons for Dis-satisfaction at Stage 2</b>	
<b>Desired Outcome</b>	
<b>Are you attaching any paperwork? If so, please list.</b>	
<b>Date</b>	<b>Signature</b>

**FOR OFFICE USE ONLY**

<b>Date Request Received</b>	
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## **Addendum to Complaints Policy (Covid19 National Lockdown)**

### **Effective from 4<sup>th</sup> January for the duration of the National Lockdown**

Please note that, during the national lockdown and partial closure of schools, there may be some difficulties in complying with the timeframes set out in our policies. During the national lockdown, our foremost priority is maintaining high-quality education for our pupils learning both remotely and on-site. For this reason, processing complaints may take slightly longer than usual, although we will continue to maintain communication with parents and pupils as far as possible and ensure you are informed about how your complaint is progressing and the expected length and reason for any delay.

We ask for your patience as we work to ensure that all of our pupils can learn effectively, and we will endeavour to address complaints and concerns as soon as we possibly can. If you are concerned that a child may be at risk, please contact us directly at [0161 428 6180](tel:01614286180) so that we can take the necessary actions. Out of school hours, contact MASSH (Stockport Safeguarding) on 0161 217 6028 or contact the police at 101, if necessary. Alternatively, please visit the NSPCC helpline to report a concern <https://www.nspcc.org.uk/keeping-children-safe/our-services/nspcc-helpline/>. For more information about complaints, you can contact the DfE.