



COMPLAINTS HANDLING POLICY

All schools in Connect Schools Academy Trust are committed to safeguarding and promoting the welfare of children and young people and expect all staff and volunteers to share this commitment.

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| Staff Responsible: | Head Teachers |
| Date of Review: | July 2019 |
| Date of Next Review: | July 2020 |

VERSION CONTROL

| Date | Change |
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| January 2018 | Policy changed to exemplar policy with variations to satisfy operating requirements of the schools in the Trust. |
| July 2019 | <p>Clarifying who can serve on the Panel – page 9</p> <p>Clarifying who the complainant can bring to the Panel – page 9</p> <p>Clarifying matters regarding witnesses’ attendance – page 9</p> <p>Clarifying the number of days for a response following the Panel – page 10</p> <p>Clarifying how the panel will respond (in written form) – page 10</p> <p>Adding an appendix complaint form page 14</p> <p>Referencing it on page 8</p> <p>Change to Board of Trustees on page 13</p> <p>All references to governing board changed to Local Governing Body.</p> <p>All references to panel changed to Complaints Review Panel</p> |
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1. Aims

Our schools aim to meet their statutory obligations when responding to complaints from parents of pupils at the school, 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 Complaints Review 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. Where this is not possible, formal procedures will be followed. The school 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 each of the schools' websites

The aim of this policy is to ensure that any complaint is handled sympathetically, efficiently and at the appropriate level, and resolved as soon as possible. Doing so is:

- Good for relationships
- Good educational practice
- Good business practice.

This policy and procedure will be relied upon in respect of all complaints by parents and non-parents made against the schools **except** in respect of;

- (a) **child protection allegations** where a separate policy and procedure applies;
- (b) **exclusions** where a separate policy and procedure applies;
- (c) **staff grievances** where a separate policy and procedure applies.

2. Legislation and guidance

This document meets the requirements set out in part 7 of the schedule to [the Education \(Independent School Standards\) Regulations 2014](#), which states that we must have and make available a written procedure to deal with complaints from parents of pupils at the school. It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on [creating a complaints procedure that complies with the above regulations](#), and refers to [good practice guidance on setting up complaints procedures](#) from the Department for Education (DfE).

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 the school's fulfilment of Early Years Foundation Stage requirements.

3. 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 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 (SEN)
- Safeguarding matters
- Exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline

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

It is important to have a common understanding of what these terms mean:

Upheld (Proven): Where an allegation is upheld it means that there is identifiable evidence to prove the allegation on the balance of probability. The term therefore indicates misconduct or incompetence.

Unsubstantiated (Inconclusive): An unsubstantiated allegation means that there is insufficient identifiable evidence to prove or disprove the allegation on the balance of probabilities. The term, therefore, does not imply guilt or innocence.

Unfounded (Unproven): The term ‘unfounded’ means that there is no evidence or proper basis that supports the allegation being made, or there is evidence to prove that the allegation is untrue. There is the possibility that the allegation may be malicious (see below), but it might also indicate that the person making the allegation had misinterpreted the incident or was mistaken about what he/she saw, or was not aware of all the circumstances.

Malicious: The term ‘malicious’ implies that an allegation, either wholly or in part, has been made with a deliberate intent to deceive or cause harm to the person subject to the allegation. For an allegation to be classified as malicious, it will be necessary to have evidence to prove the intention to cause harm. Care should be taken in dealing with such allegations as some facts may not be wholly untrue. Some parts of an allegation may have been fabricated or exaggerated but elements may be based on truth.

Arrangements for handling complaints from parents of children with SEN about the school’s support are within the scope of this policy. Such complaints should first be made to the Inclusion Manager or SENCO; they will then be referred to this complaints policy. The Schools’ SEN policies and information reports include information about the rights of parents of pupils with disabilities who believe that our school has discriminated against their child.

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

4. Principles for investigation

When investigating a complaint, 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.

The school expects that complaints will be made as soon as possible after an incident arises and **no later than 3 months** afterwards. 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.

Complaints about the fulfilment of early years requirements

We will investigate all written complaints relating to the school’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 9) 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. 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.

5. Stages of complaint (not complaints against the Head Teacher or a governor)

Stage 1: informal

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

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

The school will acknowledge informal complaints within 2 working days, and investigate and provide a response within 10 working days.

The informal stage will involve a meeting between the complainant and the class teacher or the subject of the complaint, if appropriate (not where the subject is a pupil). If the class teacher cannot resolve the matter alone, it may be necessary for him/her to consult the relevant Year Group Leader. At this stage, complaints made directly to the Headteacher will usually be referred to the relevant class teacher or Year Group Leader unless the Headteacher deems it appropriate for him/her to deal with the matter personally.

At the informal stage, a complaint concerning the Headteacher should be heard by the Executive Headteacher. A complaint concerning the Executive Headteacher should be heard by the Chair of the Trust Board. Complaints against the Chair of Governors or any individual Governor should be made by writing to the Clerk to the Local Governing Body.

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

Arrangements for handling complaints from parents of children with SEND.

In the first instance, parents are encouraged to speak with their child's class teacher if they have any concerns. If, however parents feel that their issues have not been resolved then they should make an appointment with the Inclusions Manager. If the matter remains unresolved then parents should follow the procedure set out below.

Stage 2: formal

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

The Head Teacher (or other person appointed by the Head Teacher for this purpose) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within 10 working days.

Once there is satisfaction that, so far as is practicable, all of the relevant facts have been established, a decision will be made. Parents will be informed of this decision in writing, giving reasons for the decision. Parents will be provided with as much information as possible in the circumstances, while respecting any right of confidentiality of third parties.

The written decision should be provided no later than ten (10) working days after speaking or meeting with parents to discuss the matter.

If the complainant is not satisfied with the response and wishes to proceed to the next stage of this procedure, they should inform the chair of governors in writing within 10 working days.

Stage 3: Complaints Review Panel

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

If complainants seek to invoke Stage Three, following failure to reach an earlier resolution and where dissatisfied with the decision in respect of their formal complaint, they may, in writing addressed to the Chair of Governors, request that, their complaint is further considered by an independent Complaints Review Panel set up for this purpose.

If complainants wish to invoke Stage Three, they must complete Appendix A on page 14 and return it to the Chair of Governors. Although complaints should be made in writing, we have regard to Equalities legislation (Equality Act 2010) and will not restrict complainants by having to make their complaints in writing where they are unable to do so. In such circumstances complaints can be made verbally by arrangement.

The Complaints Review Panel is only obliged to consider the complaint(s) lodged in this 'initial submission' although they may use their discretion to consider other relevant and related matters that may subsequently arise.

Where an appeal is received by Chair of Governors, he/she will refer it without delay to the Local Governing Body.

The Local Governing Body will, within five (5) working days, refer the matter to the Clerk to the Local Governing Body who will act as Clerk to the Complaints Review Panel.

Where the appeal is received during school holidays, or within two (2) working days of their commencement, the Local Governing Body has five (5) working days upon commencement of the school term to refer the matter to the Clerk.

The Clerk provides an independent source of advice on procedure for all parties.

Once an appeal has been received by the Clerk, he/she will acknowledge the appeal in writing within five (5) working days, and inform the parents of the steps involved in this Complaints Procedure.

The Clerk will then endeavour to convene an independent Complaints Review Panel hearing as soon as possible to consider the matter, normally no later than twenty (20) school days after receipt by the Local Governing Body of the complainant's written notice that they wish to invoke the Stage Three Procedure, and dependent upon the availability of the Complaints Review Panel members.

The Complaints Review Panel will be appointed by or on behalf of the proprietor and must consist of at least three (3) people who were not directly involved in the matters detailed in the complaint. At least one (1) Complaints Review Panel member must be independent of the management and running of the school and hence not a Member, Trustee or a member of the Local Governing Body. The Complaints Review Panel cannot be made up solely of Local Governing Body members, as they are not independent of the management and running of the school.

Where the Local Governing Body is aware of the substance of the complaint before the Complaints Review Panel stage, the Clerk 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 Local Governing Body, who will not unreasonably withhold consent.

The Complaints Review Panel will have access to the existing record of the complainant's progress (see section 9).

The complainant must have reasonable notice of the date of the Complaints Review Panel; however, the Complaints Review Panel reserves the right to convene at their convenience rather than that of the complainant.

At the Complaints Review Panel, 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 Complaints Review Panel and be accompanied by a friend or family member if they wish, although it is not permissible for the complainant to bring a legal representative.

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. Witnesses can be called by either the school or the complainant. Witnesses are not obliged to attend and may refuse / be unable to attend the Complaints Review Panel. Witnesses are able to refuse to provide written evidence to the Complaints Review Panel.

The Complaints Review 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.

The Complaints Review Panel must then put together its findings and recommendations from the case in written form. The Complaints Review Panel will also provide a copy of the findings and recommendations to the complainant and, where relevant, the individual who is the subject of the complaint, and make a copy available for inspection by the proprietor and Head Teacher.

The Complaints Review Panel will inform those involved of the decision in writing within 15 working days.

6. Complaints against the Head Teacher or a governor

Complaints made against the Head Teacher should be directed to the Chair of Governors.

Where a complaint is against the Chair of Governors or any member of the Local Governing Body, it should be made in writing to the Clerk to the Local Governing Body in the first instance. Details of the complaint will be passed to the Chair of Governors (for a complaint about the Head Teacher) or to the Head Teacher if the complaint is about one of the Governors.

The procedure will then follow the Policy as set out for all complainants.

7. Referring complaints on completion of the school's procedure

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, see the following webpage:

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

8. Persistent 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 governors (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 personal comments about, or threats towards, school staff

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

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

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

Unreasonably persistent complaints

There will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Headteacher, is able under this policy to inform them in writing that the procedure has been exhausted and that the matter is now closed.

9. Record-keeping

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 Complaints Review Panel.

This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

Records of complaints will be kept for 7 years.

10. Learning lessons

The Local Governing Body will review any underlying issues raised by complaints with the Head Teacher/SLT 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.

11. Monitoring arrangements

The Local Governing Body will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. They will track the number and nature of complaints, and review underlying issues as stated in section 10.

The complaints records are logged and managed by the Head Teacher.

This policy will be reviewed every 2 years. At each review, the policy will be approved by the Connect Board of Trustees.

12. 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 and information report

Appendix A Complaints Form

Please use this form to log details of the complaint that you wish to raise

Child's name:

Your name:

Your relationship to the pupil:

Address:

Postcode:

Daytime telephone number:

Evening telephone number:

Please give details of your complaint.

(Note - no further complaints/issues can be added at a later date).

What action, if any, have you already taken to try and resolve your complaint. (Whom did you speak to and what was the response or outcome?)

What action(s) do you feel might resolve the problem at this stage?

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

Signature:

Date

School use only

Date received and by whom

Date acknowledgement sent and by whom

Complaint referred to:

Date: