

# COMPLAINTS POLICY



This Policy is reviewed by the Trust Board upon either a change in legislation, by request of Local Governing Committees within our schools, or as directed by the Trust HR Provider. Minor content changes are made over the course of the Academic Year.

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Signed   
Fr Paul Carter  
Chair of Trustees

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**Registered in England and Wales, Company Number: 10650092**

This policy must be made available to parents of pupils.

For the avoidance of doubt this, policy **does not** apply to those who are not parents of **current** pupils at a School within the Trust. Complaints that fall into this category will be dealt with as follows:

Complainants should first attempt to address their complaint to the School or Trust (as appropriate) informally. Only if this fails to resolve the situation should the complaint be submitted in writing to the Head Teacher (if the complaint is about the School in general) or to the Chair of Governors (if the complaint is about a Head Teacher specifically). The Head Teacher or Chair of Governors (as appropriate) will acknowledge receipt of the complaint before considering it and issuing a **final written response**.

This policy applies to any matter which has been raised with a School by parents of **current** pupils as a matter of concern but which has not been capable of resolution informally and which the complainant or the School considers should be dealt with on a formal basis. Matters relating to admissions and exclusions, statutory SEN assessments, and matters involving child protection involvement, will not be considered as they have their own appeal or complaint processes. Where necessary, the School will exercise its discretion. Whistleblowing, staff grievances and discipline matters will not be considered under this policy.

We recognise that people feel passionately about education and may express complaints in robust terms. However, where a complainant acts in an aggressive, abusive, vexatious, or otherwise unreasonable manner we may decline to further investigate a complaint.

Complaints will normally only be considered from those with a direct interest in the matter.

### **Stage 1 – Informal Resolution**

Most complaints can be resolved quickly and amicably through informal discussion between parents and school staff.

When a parent has a concern, their first action should be to communicate this to their main point of contact at the school, for example, their child's class teacher. If a parent is unsure of whom to contact they should ask the school reception or main office for help.

Once contacted, staff should make a brief note of any complaint. The note may contain:

- the name, age / year group / of the relevant pupil(s)
- the name and contact details of the complainant(s)
- a brief summary of the complaint, including key times and dates and any witnesses to any specific incident(s)
- any steps agreed to resolve the complaint

A copy of the note will be passed to the Headteacher, or another delegated senior member of staff, for use in the event the complaint remains unresolved.

It is a precondition to the operation of this policy that the complainant shall have made reasonable attempts to seek an informal resolution and shall have acted in relation to the matter in a reasonable and measured way. The Chair of Trustees shall have a discretion, which

will be exercised reasonably, not to allow a complaint to be pursued where this precondition has not been met.

Where the matter is not resolved at the informal stage, the parent may elevate it to the formal stage.

### **Stage 2 – Formal Resolution at Local Level: Investigation by a member of the Senior Leadership Team**

1. The complainant must put the complaint in writing, addressed to the Headteacher of the School, setting out briefly the facts and stating what it is that the complainant considers should have been done or where the school has not met reasonable expectations.
2. An investigation will be carried out by a member of the Senior Leadership Team of the School; which may include the offer of a meeting with the complainant. The investigator will speak to others involved. Whenever reasonably possible, any meeting with the complainant will take place within 15 school days of the written complaint being received.
3. The investigator will put her/his findings in writing and will indicate what, if any, steps should be taken to resolve the matter. Whenever reasonably possible, this will be done within 15 school days of any meeting with the complainant; if no meeting is arranged it will be within 15 school days of the written complaint being received.

Where the complainant remains dissatisfied s/he may request the complaint is dealt with at Stage 3. Any such request **must** be set out in writing, stating where the complainant remains dissatisfied and lodged within **10** school days of the complainant receiving the findings in writing.

Any complaint relating to the Headteacher of the School must be raised in the first instance with the Chief Executive Officer who will, if an informal resolution cannot be reached, designate a member of the Local Governing Committee to investigate the complaint as per **Stage 3**. **Stage 2** does not apply to a complaint against the Headteacher.

Any complaint relating to the Chief Executive Officer of the Trust must be raised in the first instance with the Chair of the Trust Board who will, if an informal resolution cannot be reached, designate a member of the Board of Trustees to investigate the complaint as per **Stage 3**. **Stage 2** does not apply to a complaint against the Chief Executive Officer.

For complaints against members of the Local Governing Committee please note the process to follow set out at the end of this policy.

### **Stage 3 – Formal Resolution: Local Governing Committee**

1. The complainant must put the complaint in writing, addressed to the Chair of the Local Governing Committee, setting out briefly the facts and stating what it is that the complainant considers should have been done or where the school has not met reasonable expectations.

2. The Chair of the Local Governing Committee may appoint a member of the Local Governing Committee of the school to investigate the complaint. The investigation may include the offer of a meeting with the complainant. Whenever reasonably possible, any meeting with the complainant will take place within 15 school days of the written complaint being received.
3. The investigator will put her/his findings in writing and will indicate what, if any, steps should be taken to resolve the matter. Whenever reasonably possible, this will be done within 15 school days of any meeting with the complainant; if no meeting is arranged it will be within 15 school days of the written complaint being received.

Where the complainant remains dissatisfied, he may request that the complaint is dealt with at Stage 4. Any such request **must** be set out in writing, stating where the complainant remains dissatisfied, what remedies are being sought and be lodged within **10** school days of the complainant receiving the findings in writing. The request must be addressed to the Clerk for the Trustees, who will pass it on to the Chair.

#### **Stage 4 – Formal Resolution: Panel Hearing**

1. The Complaints Panel of the Academy Trust will consider all complaints at Stage 4.
2. The Complaints Panel must comprise at least three people, which will include one person who is independent of the management and running of the Academy Trust and any of its schools.
3. The Complaints Panel may also include one or more persons from the following categories:
  - (i) A member of the local governing committee of the school where the complaint emanated from;
  - (ii) A member of a local governing committee from another school within the Academy Trust;
  - (iii) A member of the Board of Trustees from the Academy Trust.
4. None of the members of the Complaints Panel will have been directly involved in the matters detailed in the complaint.
5. The Clerk will invite the school to put in writing its response to the complainant. The school will provide this within 15 school days. At the end of that period (whether or not the academy has responded) the Clerk will convene a meeting of the Complaints Panel. That meeting will be held as quickly as practicable given the need to find a date that is reasonably convenient for the complainant, the school and the members of the Complaints Panel. Whenever possible, the meeting will be held within 15 school days of the end of the school's response time. At any meeting, the complainant will be entitled to be accompanied by a friend, but legal representation will not be allowed.
6. The meeting is not a court case, it will be held in private, and will be as informal as circumstances allow. The complainant will have the opportunity to put her/his reasons for dissatisfaction and to enlarge on them but may not introduce reasons that were not previously put in writing. The school will have the opportunity to put its side of things and

each side, as well as the Panel members, will be able to ask questions. The complainant will have the opportunity to make final comments to the Panel.

7. The Panel may make findings and recommendations and a copy of those findings and recommendations will be
  - (i) sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about; and
  - (ii) available for inspection on the school premises by the Academy Trust, the Headteacher and the Chief Executive Officer.
8. The Panel will formulate its response as quickly as reasonably possible, aiming to do so within 10 school days, and the Clerk will notify all concerned.

The report of the panel hearing is final and no appeal is possible on the substance of the complaint.

### **Attendance at a Complaints Panel Hearing**

The Complaints Panel will only proceed if the complainant and/or their representative attend. If the complainant does not confirm attendance or fails to attend on the day without compelling reasons, the Complaints Panel will not proceed and the complainant will lose their right to the complaint being heard. Any further attempt to re-open the matter will be considered as falling under the serial/persistent complaint section as below.

### **Serial or persistent complainants**

If at any level a complainant attempts to reopen an issue or a closely related issue that has already been dealt with under this complaints procedure, the Chair of the Academy Trust may write to the complainant to inform him/her that the procedure has been exhausted and the matter closed, that continued correspondence on the same matter is vexatious and that the Academy Trust will not respond to any further correspondence on this issue or a closely related issue.

### **Complaint against a member of a Local Governing Committee / Chair of a Local Governing Committee**

Where a complaint is brought against a member of the Local Governing Committee, the Chair of the Local Governing Committee will investigate the complaint (or appoint another member of the Local Governing Committee to do so) in the same way as in the first stage of the formal process at **Stage 3**. **Stage 2** does not apply

If the complaint is against the Chair of the Local Governing Committee, then the Vice Chair of the Local Governing Committee will investigate the complaint (or appoint another member of the Local Governing Committee to do so) in the same way as in the first stage of the formal process at **Stage 3**. **Stage 2** does not apply.

If the complaint is against a member of the Board of Trustees, then the Chair of the Board, (or in the case of a complaint against the Chair, the Vice Chair) will investigate the complaint (or

appoint another member of the Board to do so) in the same way as in the first stage of the formal process at **Stage 3**. **Stage 2** does not apply.

In exceptional circumstances the Chair of the Board of Trustees may at his or her absolute discretion determine that a complaint against a Headteacher, Chief Executive Officer, or member of the Local Governing Committee should be dealt with at Board level and if so determined the Chair of the Board of Trustees will oversee **Stage 3**.

### **Complaints to the Secretary of State for Education**

Parents may complain about a school to the Secretary of State for Education. These complaints are considered on their behalf by the Education and Skills Funding Agency (ESFA). Where a complaint is made to the ESFA, they will check whether the complaint has been dealt with properly by the Trust. They will consider complaints about academies that fall into any of the following three areas:

- where there is undue delay or the academy did not comply with its own complaints procedure when considering a complaint
- where the academy is in breach of its funding agreement with the Secretary of State
- where an academy has failed to comply with any other legal obligation

The ESFA will not overturn an academy's decision about a complaint. However, if the ESFA finds an academy did not deal with a complaint properly they will request the complaint is looked at again and procedures meet the requirements set out in the Education (Independent School Standards (England) Regulations 2014, Schedule 1, Part 7.

### **Record Keeping**

A written record will be kept of all complaints that were resolved at the formal stage of the complaints procedure. Records will contain details of whether the complaint was resolved at stage 2, stage 3 or whether it proceeded to a stage 4 panel hearing. The action taken by the school or the Academy Trust as a result of a complaint (regardless of whether they are upheld) will also be recorded.

### **Confidentiality**

Correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the Education and Skills Act 2008 requests access to them.

## **Appendix: Panel hearing procedures**

### **Panel membership**

The panel will be appointed by or on behalf of the Trust and consist of at least three people who were not directly involved in the matters detailed in the complaint. The Trust will ensure that one panel member is independent of the management and running of the school.

### **At the meeting**

Although this is a formal meeting, every effort should be made to make it as informal as possible for all concerned. Consideration should be given to the seating arrangements to make everyone feel equal and comfortable.

A clerk may attend to take notes but will take no formal part in the meeting.

The chair of the panel should open the meeting stating the purpose and the format of the meeting to clarify this to all in attendance.

People present should introduce themselves stating their reason for being at the meeting. The chair of the panel should request a short verbal statement from the complainant in support of their written letter of complaint and how they feel the issue has not been resolved. The panel members can ask questions to make sure they understand the issue from the complainant's point of view.

The chair of the panel should request a short verbal statement from the Headteacher in support of their written account of the complaint and the steps taken to resolve the issue. The panel members can ask questions to make sure they understand the issue from the Headteacher's point of view.

The members of the panel should make sure they fully understand the issues and ask any further questions to clarify any points that are still not clear to them.

The chair of the panel must ask the complainant and the Headteacher if they are satisfied that they have provided all relevant information and if they feel they have had a fair hearing.

When the panel members understand all the issues, the chair will close the hearing.

### **After the meeting**

The panel members will discuss the issues in private and, with the assistance of the clerk, produce a written report of findings and recommendations.

A copy of the findings and recommendations will be provided within 10 working days of the panel hearing to: the complainant; the Trust; the Headteacher; and where relevant the person complained about.

### **Education and Skills Funding Agency (ESFA)**

Once the complaints process is concluded (or a complaint has been terminated due to undue delay or failure to lodge a stage 3 request within the time stated in the policy) the matter is closed. If the complainant is still not satisfied then they may contact the ESFA. There is an online procedure at [www.gov.uk](http://www.gov.uk) or you may write to the ESFA at Earlsdon Park, 53-55 Butts Road, Coventry, CV1 3BH.

## Orwell Multi Academy Trust Complaints Procedure Flow Chart

