

COMPLAINTS POLICY/PROCEDURE 2018

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Originator	Debra Kirkham			
Responsible sub-committee:	Risk & Governance Committee			
Linked Policies	Child Protection, Admissions Policy, Exclusions Policy, Grievance Policy, Disciplinary Policy, SEN policy, Anti-fraud Policy and Anti-fraud Plan			
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Target audience:	All stakeholders in the Trust – external and internal			
Dissemination via:	Email, SharePoint, Website			
VERSION	SECTION	AMENDMENTS	DATE	AUTHOR
3		REWRITTEN FOLLOWING GOV.UK/THE KEY AND SCHOOL BUS GUIDANCE	13 JUNE 2018	D KIRKHAM

Introduction

Tapton school academy trust will give careful and prompt consideration to all concerns/complaints taking the complaint seriously and treating the complainant with courtesy.

1. Aims

When responding to complaints from parents of pupils at the school, and others, 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
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into trust 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 Trust 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 individual school websites.

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 the means by which we will address complaints/concerns raised by members of the public who are not parents of attending pupils.

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.

There may be occasions where the trust will seek legal advice when dealing with a complaint at any of the stages of the procedure.

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 Trust 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 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 relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters or Prevent
- Exclusions
- Whistle-blowing
- Staff grievances
- Staff discipline
- Anti-fraud Policy and Anti-fraud plan

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

Arrangements for handling complaints from parents of children with SEN about the Trust's support are within the scope of this policy. Such complaints should first be made to the special educational needs co-ordinator (SENCO) or headteacher; they will then be referred to this complaints policy. Our SEN policy and information report includes information about the rights of parents of pupils with disabilities who believe that our Trust has discriminated against their child.

Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.

The trust has an internal whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised direct with Ofsted via email at: whistleblowing@ofsted.gov.uk or by writing to: WBHL, Ofsted Piccadilly Gate, Store Street, Manchester, M1 2WD. The Department for Education is also a prescribed body for whistleblowing in education.

Complaints about services provided by other providers who use trust 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
- Consider whether there is any risk to informing the person complained about i.e. tipping off
- Consider when and if to inform relevant bodies/authorities i.e. ESFA/Police

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 Trust 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 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. We 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 Trust 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 any of the schools in the Trust 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

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 raise the complaint as soon as possible with the relevant member of staff or the headteacher of the individual school, either in person or by letter, telephone or email.

The trust will acknowledge informal complaints within 5 working days of receipt, and investigate and provide a response within 10 working days of receipt. If, due to the nature of the complaint, this proves to be unworkable, the complainant will be contacted and provided with an explanation for the delay and given a revised date for the provision of a response.

The informal stage will involve a meeting between the complainant and an appropriate member of the trust's senior leadership teams.

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

Stage 2: Formal

The formal stage involves the complainant putting the complaint in writing, usually to the headteacher and/or the subject of the complaint. A form has been provided for this purpose and can be found at Appendix 2, however, use of the form is optional. The complainant 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 headteacher (or other person appointed by the trust 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 of receipt.

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 the relevant Local Governing Body (LGB) in writing within 15 working days of receipt of the response.

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 should be convened within 20 working days of this escalation in the procedure.

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 panel member will be either the Director of Phase or the CEO and at least 1 panel member must be independent of the management and running of the trust e.g. a headteacher from a school outside of the trust (the panel cannot be made up solely of governing board members or Trustees, as they are not independent of the management and running of the trust).

For complaints about a headteacher/CEO/governor or trustee one of the panel members should be either a trustee or member.

The panel will have access to the existing record of the complaint's progress (see section 9).

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. At the review panel meeting, the complainant and representatives from the school/trust, 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 panel hearing and be accompanied if they wish.

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.

The panel, the complainant and the school/trust representative(s) will be given the chance to ask and reply to questions. Once the complainant and school/trust representative(s) have presented their cases, they will be asked to leave and evidence will then be considered.

In the event of pupils needing to be interviewed, care will need to be taken to ensure that parental permission is obtained. In all instances a single panel member should interview the pupil and parents/carers should be given the opportunity to attend but, if they are unable to do so, a nominated member of staff should accompany the pupil/s.

The panel should aim to reach a unanimous decision or at least a majority decision on the complaint, deciding upon the most appropriate course of action to be taken to resolve the complaint. Where appropriate the panel will suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not arise in the future. The panel must then put together its findings and recommendations from the case. The 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 headteacher. The report should also be shared with the trust board at an appropriate time.

Should any action be taken against a member of staff, in order to protect their rights, the phrase 'appropriate action has or will be taken' should be used in the report.

The trust will inform those involved of the decision in writing within 15 working days of the meeting.

The aim of the panel meeting shall be to resolve the complaint and achieve reconciliation between the school and the complainant. It has to be recognised, however, that whilst the intention is to ensure that any complaint which reaches this stage is seen to have been treated seriously, it may not be possible to make recommendations that fully satisfy the complainant.

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6. Complaints against the Headteacher/CEO/Governor or Trustee

Complaints made about the headteacher should be directed to the chair of the relevant LGB.

Complaints made about the CEO should be directed to the chair of the Board of Trustees.

Where a complaint is against a governor or a chair of governors it should be directed to the CEO.

Where a complaint is against a trustee it should be directed to the Company Secretary in the first instance.

In every event, if the complainant is unclear who to contact or how to contact them, they should contact the relevant school office.

The Advice and Conciliation Service

The Advice and Conciliation Service is an impartial Service based within Children, Young People and Families Department and aims to help all partners and agencies become more responsive to comments, complaints, criticisms and suggestions from parents and carers, young people and other service users. They aim to investigate and resolve issues through mediation and to promote conciliation towards resolving difficulties.

The Service offers support to parents and carers who are dissatisfied with the service they have received from a school. They provide information, help and advocacy to parents, carers and others by suggesting approaches and ways of dealing with issues, to reduce the number of referrals that might otherwise become formal complaints.

They provide:

- Impartial information, advice and support to parents, carers, schools and others relating to a range of educational issues.
- Advice on rights, roles and responsibilities.
- Advice on the procedures for making and responding to complaints and appeals for information.
- Independent mediation and impartial support to parties involved in conflict.

The Service also aims to raise awareness by:

- Developing links and networks with schools, other agencies, professionals and organisations in order to raise awareness of parental concerns
- Providing parents and carers with a wide range of information and training to ensure they are empowered to make informed decisions about the education of children in their care.

They can be contacted in the following ways:

- By Post: Advice and Conciliation Service, Level 3, North Wing, Moorfoot, Sheffield S1 4PL
Telephone: 0114 2053938 or 2053939
- Fax: 0114 2053940
- Email: ed-adviceandconciliation@sheffield.gov.uk

All complainants have the right to a third party representative, such as the Citizens Advice Bureau or Advice and Conciliation Service, throughout the stages of the procedure.

Complainants also have the right to refer their complaint to their local MP.

7. Staff awareness and training

All staff are made aware of the procedures as many staff will deal with complaints at the informal stage. To be confident in doing so depends on clear information about the procedures, reassurance from senior staff and basic training in dealing with people who are upset or angry. The training is delivered at individual school level. Written guidance (Appendix 1) is shared on how to listen and deal with complaints.

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

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 trust. The ESFA will not overturn the decision about a complaint. However, it will look into:

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

The ESFA will not consider complaints more than 12 months old after a decision or action is taken. The only exceptions will be they delay in sending the complaint to them was unavoidable or if there is evidence that the academy is not currently complying with legal requirements.

The ESFA reserve the right not to consider complaints that:

- Are malicious
- Use obscenities, racist or homophobic language
- Contain personally offensive remarks about members of their staff
- Are repeatedly submitted with only minor differences after they have fully addressed the complaint

The ESFA will deal with complaints about academies in accordance with the following principles:

- Academies should be receptive to genuine expressions of dissatisfaction
- Complaints should be dealt with promptly, fairly and proportionately, they are also resolved at the most local level possible
- In dealing with complaints they will take into account its public sector equality duty (under the Equalities Act)

If the trust did not deal with the complaint properly, it will be asked to re-investigate the complaint. If the trust's complaints procedure is found to not meet regulations it 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. Serial and persistent complainants

Where a complainant tries to re-open the issue after the complaints procedure has been fully exhausted and the trust has done everything it reasonably can in response to the complaint, the chair of governors/chair of trustees (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 trust again about the same issue, the trust can choose not to respond. The normal circumstance in which we will not respond is if:

- We have taken every reasonable step to address the complainant's needs, *and*
- The complainant has been given a clear statement of the trust's position and their options (if any), *and*
- The complainant is contacting the trust repeatedly but making substantially the same points each time

However, this list is not intended to be exhaustive.

The trust will be most likely to choose not to respond if:

- We have reason to believe the individual is contacting us 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 trust has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email.

The trust will ensure when making this decision that complainants making any new complaint are heard, and that the schools act reasonably.

9. Record-keeping

The trust 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 at each school in the trust.

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 General Data Protection Regulations, or where the material must be made available during a school inspection.

Records of complaints will be kept for 6 years following resolution.

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 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 governing board/board of trustees, who will not unreasonably withhold consent.

10. Learning lessons

The trust board will review any underlying issues raised by complaints with the CEO, where appropriate, and respecting confidentiality, to determine whether there are any improvements that the trust can make to its procedures or practice to help prevent similar events in the future.

11. Monitoring arrangements

The trust board will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The CEO/Executive team 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's PA at each of the schools in the trust

This policy will be reviewed by trust board every 3 years.

At each review, the policy will be approved by trust board

12. Links with other policies

Policies dealing with other forms of complaints or concerns around conduct include:

- Child protection and safeguarding policy and procedures
- Admissions policy
- Exclusions policy
- Staff grievance procedures
- Staff disciplinary procedures
- SEN policy and information report
- Anti-fraud Policy and Anti-fraud plan

Guidance for employees on Listening to Complaints

As soon as you realise you are listening to a complaint, remember the following points:

- **Take responsibility**

Try not to keep transferring an angry person on from one place to another. Make sure you know the contact person for anything you cannot deal with yourself.

- **Don't be flippant**

First impressions count. You and the school may be judged on your immediate reaction.

- **Treat all complaints seriously**

However small or trivial an issue may seem to you, the complaint itself will be an important one for anyone who takes the trouble to complain.

- **Be courteous**

Be sympathetic and helpful, but do not blame other colleagues.

- **Say who you are**

If you are unknown to the complainant, introduce yourself.

- **Ask for their name and use it**

Anonymous complaints are acceptable only in exceptional circumstances.

- **Take time to figure out exactly what the problem is**

It is easy for someone to forget to tell you an important detail, particularly if they are upset or annoyed.

- **Don't take the complaint personally**

To an angry parent or carer, YOU are the school and the only one they can put their feelings to right now.

- **Stay cool and calm**

Do not argue with the complainant. Be polite and try to establish exactly what it is he or she believes the issue to be.

- **Check you are being understood**

Make certain that the parent or carer understands what you are saying. Avoid using jargon- it can cause confusion and annoyance to someone 'not in the know'.

- **Don't rush**

Take your time. Let the complainant have their say and let off steam if they need to. Listen carefully and sympathetically to their problem before replying and attempting to find a solution or suggesting the next step.

- **Refer to the procedure**

Inform your line manager/leadership team link of the conversation and next actions required.

Complaints Procedure Form

If you have tried unsuccessfully to resolve your complaint at the informal stage and wish to take the matter to the formal stage (Stage 2), please complete this form and send it to the relevant person (see section 6 of the policy).

Name:	Address:
Pupil's name and date of birth: (if regarding a pupil at the school)	
Daytime contact number:	
Evening contact number:	
Email address:	Postcode:
Please provide details of what your complaint is concerning and what action you would like the school to take?	
Who have you discussed your complaint with at the informal stage?	
Name:	
Date/s:	
What was the outcome of the discussion?	
Signed:	Date: