

# COMPLAINTS PROCEDURE

<b>Trust Board Review Date</b>	September 2019
<b>Review Frequency</b>	Every 2 years
<b>Date for Next Review</b>	September 2021
<b>Chair of Trustees Approval</b>	
<b>Author</b>	Steve McLean (CEO)

**In operating this Complaints Procedure we aim to:**

- encourage resolution of problems by informal means wherever possible;
- allow swift handling of a complaint within established time-limits for action,
- keep persons informed of progress;
- ensure a full and fair consideration of the complaint;
- have due regard for the rights and responsibilities of all parties involved;
- respect confidentiality;
- address all the points at issue and provide an effective response and appropriate redress, where necessary; and
- monitor the nature of complaints to inform school improvement

**The procedure is designed to be:**

- easily accessible and publicised. A copy of the procedure is available on the academy trust website and or, on request from the school;
- simple to understand and use;
- impartial; and
- non-adversarial

**We welcome feedback on the procedure to consider at the time of the next review.**

# COMPLAINTS PROCEDURE

## 1. Who can make a complaint?

- 1.1 Any person, including members of the general public, can use this procedure to make a complaint about any provision of facilities or services provided by the school or academy trust. It cannot be used to make a complaint on behalf of another person; or to make an anonymous complaint. We will not normally investigate anonymous complaints. However, the Head Teacher, Chair of Governors or CEO, whichever is the most appropriate person according to the nature of the complaint, will determine whether the complaint warrants an investigation.
- 1.2 The academy trust and all member schools expect anyone who wishes to raise concerns about the school or academy trust to:
- treat all staff with courtesy and respect;
  - respect the needs of pupils and staff within the school;
  - recognise the time constraints under which members of staff work and allow the school a reasonable time to respond to your concern.
- 1.3 Whilst we recognise that some concerns may relate to serious and distressing incidents, we will not accept threatening or harassing behaviour, and will take steps supported by legal action as appropriate to ensure that the school can continue its work safely and securely.
- 1.4 In the event that a person submits repeated complaints on the same issue(s) or remains dissatisfied despite all stages of the complaint procedure having been followed, the governing board may view the requests to be unreasonable. The governing board will not respond to serial or unreasonable requests and will consider taking legal advice. Circumstances under which a complaint will be regarded as unreasonable are set out in Appendix A.

## 2. Do I have a concern or a complaint?

- 2.1 There can often be confusion between a concern and a complaint. Non-statutory guidance from the Department for Education (DfE) suggests that a 'concern' may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'. A complaint may be generally defined as 'an expression of dissatisfaction however made, about actions or decisions taken or a lack of action'. Regardless of the subtle difference a response is required.
- 2.2 We aim to create a fair, open and transparent culture that allows concerns to be voiced and responded to as quickly as possible. The academy trust is confident that all members of staff take concerns seriously and make every effort to resolve concerns quickly and informally as possible, as it is everyone's best interest to do so. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. However we recognise that there may be occasions when initial attempts to resolve issues are unsuccessful and the person raising the concern feels it is necessary to take the matter further by submitting a formal

complaint. In this event, we will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

- 2.3 If you have difficulty discussing a concern with a particular member of staff, we will respect your views and you will be referred to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, you will be referred to another staff member. It is important that the staff member has the ability to consider the concern objectively and impartially.

### 3. Is the nature of the complaint covered by this procedure?

- 3.1 This procedure fulfils the requirements of part 7 of the Education (Independent School Standards) Regulations 2014 and has been produced bearing in mind non-statutory guidance issued by the Department for Education (DfE) in January 2016.
- 3.2 Some complaints do fall outside of this procedure simply because there are alternative processes which need to be followed for dealing with certain matters, some of which are statutory. Complaints not in the scope of this procedure are listed in the table below:

<b>Nature of complaint/appeal</b>	<b>How will be dealt with</b>
Admissions to school	Appeals against a decision not to admit a child will be dealt with in accordance with the provisions of the School Admission Appeals Code.
Safeguarding allegations and matters likely to require a child protection investigation	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. Any allegation of abuse or harm of a child or concern raised about a person's suitability to work with children will be referred to the Local Authority Designated Officer (LADO). Persons may contact the LADO direct should they wish to do so.
Exclusion of children from school	Appeals against a decision about an exclusion will be dealt under statutory guidance issued by the Department for Education (DfE). Appeals should be addressed to the Chair of Governors. Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a>
Staff concerns/Whistleblowing	The academy trust has an internal whistleblowing procedure for all our employees, including temporary staff and contractors. Such matters will therefore be dealt with under that procedure.

	<p>The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</p> <p>Volunteer staff who have concerns about the academy trust or on of our school should complain through the complaints procedure. You may also be able to complain direct to the LA or the Department for Education depending on the substance of your complaint.</p>
Staff grievances and disciplinary matters	<p>Such matters will be dealt with under the governing board's internal grievance/ disciplinary procedures.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>
Matters relating to external assessments about a child's special educational needs	Such matters should be raised direct with the local authority. The Head Teacher will advise on the person in the local authority to contact.
National curriculum content	Please contact the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>
Complaints about services provided by third party providers using school premises or facilities.	Such matters should be raised direct with the provider

#### **4. How do I raise a concern or make a complaint?**

- 4.1 A concern can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf another person, as long as they have appropriate consent to do so. Concerns about a school matter should be raised with either the class teacher or head teacher. So that full attention can be given to your concern we ask that you do not approach members of staff while they are 'on duty'. Concerns about a member of the central team should be raised with the CEO. If the issue remains unresolved, the next step is to make a formal complaint.
- 4.2 A formal complaint must be made in writing as soon as possible and no later than three months after an incident arises or, where a series of associated incidents have occurred, within three months of the last of these incidents. Complaints submitted after three months will only be considered where there are extenuating and justifiable reasons for the delay. Complaints made outside of term time will be regarded as having been received on the first school day after the holiday period.

4.3 Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 2 of the procedure.

4.4 It is important that we can establish the nature of the complaint; the person to whom the complaint relates (if applicable); what has happened so far; who has been involved; and what action you want to put things right. This information will be used to determine the next step in the process. To ensure that the nominate person has the necessary information and that your complaint is dealt with promptly it is advisable to use the complaint form at Appendix B of this procedure. If you require help in completing the form, please contact the school office. You can also ask third party organisations like the Citizens Advice to help you.

4.5 The person responsible for dealing with a complaint will vary dependent upon on the person to whom the complaint relates:

- complaints against a member of school staff or the head teacher of a school should be addressed to the Chair of Governors, via the school office. Please mark as Private and Confidential. The Chair of Governors will ascertain from the information provided the most appropriate member of staff to deal with the complaint;
- complaints about the Chair of Governors, any individual governor or the whole local governing board should be addressed to the CEO, via the academy trust's registered office at Caedmon Primary School. In such cases the matter will be dealt with in accordance with the academy trust's code of conduct for local governors and appointment arrangements;
- complaints about a member of the central team should be addressed to the CEO, via the academy trust's registered office at Caedmon Primary School. Please mark as Private and Confidential;
- complaints about the CEO should be addressed to the Chair of Trustees, via the academy trust's registered office at Caedmon Primary School. The Chair of Governors will ascertain from the information provided the most appropriate person(s) to co-ordinate the process for dealing with the complaint;
- complaints about the Chair of trustees or an individual trustee should be addressed to the Clerk to the academy trust. The school can provide contact details. The Clerk will ascertain from the information provided the most appropriate person(s) to co-ordinate the process for dealing with the complaint.

Please note that it may be necessary, in order to ensure a fair and transparent process, for a complaint to be dealt with by a person other than that suggested above, or by a person independent of the school or academy trust. Where there is any deviation from this procedure all decisions and stages will be documented.

4.6 The governing board is aware of its obligations under the Equality Act 2010. We will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, or holding meetings in accessible locations.

- 4.7 A complainant may withdraw their complaint at any stage of the procedure, by confirmation in writing to the head teacher or person dealing with the complaint.
- 5. How will my complaint be handled?**
- 5.1 Receipt of a formal complaint will be acknowledged, in a letter to the complainant, within three working days. The letter will indicate to you the next step in the process and when you can expect a response.
- 5.2 Realistic and reasonable timescales will be agreed at each stage of the procedure and shared with you. There may be occasion when timescales may need to be extended to allow for further enquiries to be made. You will be informed of any changes to timescales, along with an explanation for the delay. Please be assured that the governing board will try to deal with your complaint as quickly as possible.
- 5.3 If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations. Additionally, if a complainant commences legal action against the academy trust in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.
- 5.4 At any stage in the procedure a complaint may be 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
- 5.5 The academy trust expects that the progress and outcome of all complaints will be clearly recorded, and that all communications relating to concerns and complaints managed under this procedure are documented (for example notes of meetings). You can make a request under the Freedom of Information and Data Protection Acts to access such records if not shared with you as a matter of course during the process.
- 5.6 The academy trust recognises that the process of monitoring and reviewing complaints can contribute to school improvement. We will review the nature of complaints; how they were managed; and the outcomes, to inform improvements and the effectiveness of the complaints procedure.
- 5.7 If, having completed all three stages of the processes you are dissatisfied with the outcome you have the right to refer the complaint to the Secretary of State.

- 5.8 Complaints will be treated as confidentially as possible, allowing for the possibility that we may have to consult with other appropriate parties about your complaint. However, it should be noted that any correspondence, statements and records relating to your complaint will be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access.
- 5.9 Throughout the process of dealing with your complaint we also aim to ensure that you receive:
- fair treatment;
  - courtesy;
  - a timely response; and
  - accurate advice.

## **6. What can I expect to happen at each stage of the process?**

6.1 The following paragraphs provide an overview of what you can expect at each stage.

### **6.2 Stage 1 – Informal resolution**

6.2.1 If your complaint is about something that a person has or has not done, for example the class teacher, head teacher, another member of staff, a governor, or a volunteer, you will be given an opportunity to discuss your complaint at a meeting with those persons, where appropriate, and any other persons relevant to the nature of the complaint and with the relevant decision-making authority where necessary. The meeting will be facilitated by a person without any prior involvement in the issue being discussed. It will be convened within 10 working days of receiving the complaint.

6.2.2 The aim of the meeting is to fully understand the cause of the concern, why the member of staff/school/academy trust responded as they did, and agree a way forward which is acceptable to all parties. Notes of discussion will be taken to make sure you are clear what action (if any) or monitoring of the situation has been agreed.

6.2.3 It should also be made clear to the complainant, that where no satisfactory resolution is achieved at this informal stage, or following an agreed period of monitoring, a formal complaint can be submitted under this complaints procedure.

### **6.3 Investigating formal complaint**

6.3.1 If you are not satisfied with the response received following completion of the informal stage you should make a formal complaint to the appropriate person, as described in Section 4 of this policy. The complaint form (as at Appendix B) should be completed.

6.3.2 As stated at 5.1, you will receive written acknowledgement of your complaint within three working days. The acknowledgement will confirm the person nominated to investigate your complaint. You may be invited to a meeting to clarify the details of your complaint and/or supplement any information already provided, before carrying out a full investigation into your complaint. Once all the relevant facts



have been established the investigating officer will produce a written response. You may be asked to attend a further meeting to provide an opportunity to share and discuss with you the findings of the investigation in person. Please be aware that if your complaint alleges misconduct by a member of staff, any investigation by the school and subsequent formal action is protected by confidentiality. You will not know the outcome and the right of appeal described at stage 3 of this procedure will not apply.

6.3.3 The nominated person investigating the complaint will aim to:

- establish what has happened so far, and who has been involved;
- clarify the nature of the complaint and what remains unresolved;
- meet or contact you if further information is necessary;
- clarify what your expectations are on how the matter could be resolved;
- interview those involved in the matter and/or those complained of;
- conduct the interview with an open mind and be prepared to persist in the questioning;
- keep notes of all meetings and telephone discussions or arrange for an independent note taker

6.3.4 Other than in exceptional circumstances you will receive a written response within 10 school days from the date which your complaint was acknowledged. Where this cannot reasonably be met you will be advised of a revised target date.

6.3.5 The written response should:

- include a full explanation of the decision and the reasons for it;
- where appropriate, it should include what action the school will take to resolve the complaint; and
- will make you aware of the procedure for appealing against the findings should you remain dissatisfied with the response

#### 6.4 **Stage 3 - Appeal to the governing board**

6.4.1 If you remain dissatisfied with the outcome of the investigation into your complaint, you may appeal. The persons responsible for hearing your appeal will depend on the nature of your complaint:

- appeals in relation to complaints against a member of school staff or the head teacher of a school will be heard by the local governing board, therefore should be addressed to the Chair of Governors, via the school office. Please mark as Private and Confidential;
- appeals in relation to complaints about the Chair of Governors, an individual governor; the whole local governing board, a member of the central team or the CEO will be heard by trustees, therefore should be addressed to the Chair of Trustees at the academy trust's registered office:- Caedmon Primary School, Attlee Road, Middlesbrough, TS6 7NA;
- appeals in relation to complaints about the Chair of trustees or an individual trustee will be heard by a panel of trustees with no prior involvement in the case and should be addressed to the Clerk to the academy trust. The academy trust can provide contact details;

- 6.4.2 The right of appeal will only apply to complaints that have already progressed through stages 1 and 2 of this procedure.
- 6.4.3 On receipt of a written request for an appeal the Chair of Governors (or Chair of Trustees or Clerk where appropriate) will immediately log and acknowledge receipt of the appeal; and arrange for a Complaints Appeal Panel (CAP) to consider the appeal as soon as it is practical to do so and, other than in exceptional circumstances, within 20 school days of receipt of the letter requesting an appeal.
- 6.4.4 The CAP will aim to resolve the complaint and achieve reconciliation between the school and the complainant. It is the role of the CAP to either uphold or not uphold the complaint or uphold some parts and not others. In reaching a decision consideration will be given to the issues raised in the original complaint and will not be confined to procedural issues. At the end of the meeting the CAP will issue to the complainant, in writing, its findings and recommendations. Where relevant, a copy will also be made available to the person complained about and the school, for inspection on the school premises by the proprietor and the head teacher.
- 6.4.5 Every effort will be made to arrange a meeting at a date and time convenient to you and others required to be in attendance. You will be given 7 calendar days' written notice of the meeting, along with all relevant correspondence regarding the complaint. The notice will explain you have a right to be accompanied to the meeting by a friend/representative and invite you to submit any further written evidence.
- 6.4.6 The Complaints Appeal Panel (CAP) will comprise three persons:- two governors (or trustees where appropriate) with no prior, direct involvement with the complaint and who are not employed by the school or academy trust; and a person independent of the management and running of the school (or academy trust where appropriate). In deciding the make-up of the panel, where possible, we will try and ensure that it is a diverse panel sensitive to the issues of race, gender and religious affiliation. Where it is not possible to identify two governors or trustees who can act impartially (usually because they are aware of the substance of a complaint) the panel may be made up entirely (or include a number) of independent panel members drawn from another school's governing board (or academy trust board where appropriate). You can request an independent panel if you believe there is likely to be bias in the proceedings. However, the decision on membership of the panel will be made by the governing board, Chair of Governors or Chair of Trustees where so delegated.
- 6.4.7 The Chair of the CAP (or Clerk where nominated by the CAP) will notify you in writing the outcome of the appeal, within 5 school days. A copy of the letter will be forwarded to the Head Teacher or other parties pertaining to the complaint.

## **7. What if I am not happy with the response at the end of the process?**

- 7.1 Once this procedure has been followed and a formal response to your complaint has been given by the school or academy trust there is no further right of appeal to the academy trust. However, if you are not satisfied with the decision there are circumstances under which you have the right to refer your complaint to the Education and Skills Funding Agency.

- 7.2 It is the responsibility of academy trusts to make sure that their complaints procedure is fully compliant. The ESFA is responsible for ensuring academies and academy trusts comply with their funding agreements, which include the requirement to adhere to the provisions of the Independent School Standards (England) Regulations in relation to the handling of complaints.
- 7.3 Should a complaint about an academy trust be submitted to the ESFA, the agency will check whether the complaint has been dealt with properly by the trust. It will consider complaints that fall into any of the following three areas:
- where there is undue delay or the academy/academy trust did not comply with its own complaints procedure when considering a complaint
  - where the academy/academy trust is in breach of its funding agreement with the Secretary of State
  - where an academy/academy trust has failed to comply with any other legal obligation
- 7.4 Although the ESFA will not overturn an academy trust's decision about a complaint, if it is found that it did not deal with a complaint properly, the academy trust will be asked for the complaint to be looked at again. Where the complaints procedure does not meet the regulations, the academy trust will be asked to put this right.
- 7.5 The ESFA may seek to enforce its decision under the terms of the funding agreement on behalf of the Secretary of State.

**UNREASONABLY PERSISTENT, ABUSIVE OR HARASSING COMPLAINANTS AND SERIAL COMPLAINTS**

Steel River academy trust is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the school or academy trust. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

We define unreasonable complainants as *'those who, because of the frequency or nature of their contacts with the school or academy trust, hinder our consideration of their or other people's complaints'*.

A complaint may be regarded as unreasonable when the person making the complaint:-

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
- seeks an unrealistic outcome;
- makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:-

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Complainants should limit the numbers of communications with a school or academy trust while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

If the behaviour continues a letter will be sent to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the school or academy trust causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and consideration will be given to banning an individual from the school site.

# STEEL RIVER ACADEMY TRUST

## Complaint Form

Please complete and return completed form in a sealed envelope marked "Confidential – For Immediate Attention" to the appropriate person at the address given, as described in paragraph 4.5 of the Complaints Policy. Alternatively you can forward to the Clerk and ask that it be forwarded to the appropriate person.

On receipt of the completed form, and within three working days, a letter of acknowledgement will be sent to you via email. If you do not provide an email address, it will be necessary to send the acknowledgement via Royal Mail, so you may receive the letter after three working days.

<b>NAME:</b>				
<b>CHILD'S NAME</b> (if appropriate/relevant):				
<b>SCHOOL ATTENDED:</b>				
<b>RELATIONSHIP TO THE PUPIL</b> (if appropriate/relevant):				
<b>ADDRESS:</b>				
<b>POSTCODE:</b>				
<b>EMAIL ADDRESS:</b>				
<b>DAY TIME TELEPHONE NUMBER:</b>				
<b>EVENING TELEPHONE NUMBER:</b>				
<b>MOBILE NUMBER:</b>				
<b>AVAILABILITY TO ATTEND A MEETING:</b>				
<b>PREFERRED DAY(S) OF THE WEEK</b> (Please tick preferred day(s))				
<b>Monday</b>	<b>Tuesday</b>	<b>Wednesday</b>	<b>Thursday</b>	<b>Friday</b>
<b>PREFERRED TIME OF THE DAY:</b> (Please tick the time of the day you are most likely to be available to attend a meeting)				

<b>Between 9.00 am and 12 midday</b>	<b>Between 1.00 pm and 3.00 pm</b>	<b>Between 3.00 pm and 5.00 pm</b>
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**If your complaint is about a particular person(s) please state name(s) below:**

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

**DETAILS OF YOUR COMPLAINT**  
(Please attach to your completed form any supporting/corroborating evidence you have available, including a record of any discussions you have had with school in connection with the complaint)





(Please continue on a separate sheet if needed)

**WHAT ACTION WOULD YOU LIKE TO SEE HAPPEN IN RESPONSE TO YOUR COMPLAINT?**

**SIGNED:**

**DATE:**

**REMAINING PARTS TO BE COMPLETED BY APPROPRIATE PERSON/CLERK TO THE GOVERNING BOARD**

**Date acknowledgement sent:**

**By who:**

**Method:**

**Complaint referred to:**

**Record of Action taken:**