



Complaints Policy

2019-2023

CEO SIGNATURE

CHAIR OF TRUST BOARD SIGNATURE

1.10.19 [updated to include All Saints' 1.2.20]

DATE

4 years or on updates

NEXT REVIEW DATE





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1. Aims

Our Trust aims to meet its statutory obligations when responding to complaints from parents or carers of pupils at the school.

When responding to complaints, 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
- Ensure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- 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.

Each school in our 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 each school's website.

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).





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.

This policy complies with our funding agreement and articles of association.

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 procedures relating to:

- Admissions
- Statutory assessments of special educational needs and disabilities (SEN)
- Safeguarding matters
- Exclusion
- Whistleblowing
- Staff grievances
- Staff discipline

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

Arrangements for handling complaints from parents of children with SEND about the relevant school's support are within the scope of this policy. Such complaints should first be made to the special educational needs co-ordinator (SENDCo); they will then be referred to this complaints policy. Our SEND information report includes 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 Trust expects that complaints will be made as soon as possible after an incident arises and no later than **3 months** afterwards, or, where a series of associated incidents have occurred, within 3 months of the last of these incidents. We will consider exceptions to this timeframe 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 school's fulfilment of the Early Years Foundation Stage requirements, and notify the complainant of the outcome within 28 **school** 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.

Complaints received outside of term time

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

5. Stages of complaint (not complaints against the Headteacher(HT)/Head of School(HOS) or Governors)

At each stage in the procedure, the Trust wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is 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 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.

Stage 1: informal

Each school in our 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 (or a third party acting on their behalf, as long as they have appropriate consent to do so) should raise the informal complaint as soon as possible with the relevant member of staff or the HT/HOS, 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.





If the complainant has difficulty discussing a concern with a particular member of staff, the HT/HOS will refer them to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the HT/HOS will refer the complainant to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

The School will acknowledge informal complaints within 14 school days, and investigate and provide a response within 20 school days. If this latter deadline is unable to be met, the HT/HOS/investigating officer will provide the complainant with an update and revised response date.

The informal stage will involve a meeting between the complainant and the HT/HOS and/or the subject of the complaint, if appropriate.

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

Complainants should not approach individual Governors to raise concerns or complaints. Governors have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 3 of the procedure (review panel).

Stage 2: formal

The formal stage involves the complainant putting the formal complaint to the HT/HOS and/or the subject of the complaint via the school office:

- In a letter or email marked "Private and confidential"
- Over the phone
- In person
- Through a third party acting on their behalf

If the complaint is about the HT/HOS, a Governor or the Local Governing Board, please go to Section 6.

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.

If complainants need assistance raising a formal complaint, they can contact the school office.





The School will not normally investigate anonymous complaints. However, the HT/HOS or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

The HT (or other person appointed by the HT for this purpose) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within 20 school days. If this deadline is unable to be met, the HT/HOS/investigating officer will provide the complainant with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide an explanation of the decision made by the HT/HOS/investigating officer and the reason(s) for it. Where appropriate, it will include details of actions the School will take to resolve the complaint.

If the complainant is not satisfied with the response and wishes to proceed to the next stage of this procedure, they should inform the Clerk to the Local Governing Board (LGB) in writing within 14 school days of receipt of the Stage 2 response.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days. Requests received outside of this time frame will only be considered if exceptional circumstances apply.

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 Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 20 school days of receipt of the Stage 2 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

At least 5 school days before the meeting, the Clerk will:





- Confirm and notify the complainant of the date, time and venue of the meeting, ensuring that if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible; and
- Request copies of any further written material to be submitted to the committee at least 5 school days before the meeting.

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. ***At least 1 panel member must be independent of the management and running of the School.*** The panel cannot be made up solely of Governors, as they are not independent of the management and running of the School.

Prior to the meeting, the panel will decide among themselves who will act as the Chair of the complaints committee. If there are fewer than 3 Governors from the school available, the Clerk will source any additional Governors from across the Trust as required in order to make up the committee. Alternatively, an entirely independent committee may be convened to hear the complaint at this stage.

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, 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 by a friend/relative if they wish.

Representatives from the media are not permitted to attend.

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 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 panel must then put together its findings and recommendations from the case. The panel will also provide copies of the minutes of the hearing and 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 School and HT.

The committee will consider the complaint and all the evidence presented. The committee can:

- Uphold the complaint in whole or in part; or
- Dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the committee will:

- Decide on the appropriate action to be taken to resolve the complaint; and
- Where appropriate, recommend changes to the School's systems or procedures to prevent similar issues in the future.

The School will inform those involved of the decision in writing within 5 school days.

Options in the event the complainant remains dissatisfied with the outcome are detailed in Section 7: Referring complaints on completion of the Trust's procedure.

6. Complaints against the HT/HOS, a Governor or the Local Governing Board(LGB)

Complaints made against the HT should be directed to the Chair of the Local Governing Board.

*Complaints made against the HT will be investigated by the Chair of Governors. Response timescales will reflect those detailed in Section 5. If the complainant remains unsatisfied, the complainant must write to the Clerk of the LGB who will convene a panel of 3 members, **one of whom must not be a Governor**. The panel will follow the format laid out in section 5, Stage 3.*

Where a complaint is against the Chair of the LGB, any member of the LGB, or the entire LGB, it should be made in writing to the Clerk to the LGB in the first instance.

Where the complaint is about a Governor other than the Chair, the Chair of the LGB will investigate in the first instance. Response timescales will reflect those detailed in Section 5. The panel will follow the format laid out in Section 5, Stage 3.





Where the complaint is about the Chair, the Vice-Chair of the LGB will investigate and report back to the complainant. If the complainant remains unsatisfied, the Vice-Chair will ask the Clerk to convene a panel of 3 members. The panel will follow the format laid out in Section 5, Stage 3.

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

If the complainant is unsatisfied with the outcome of the Trust's complaints procedure, they can refer their complaint to the Department for Education (DfE). The DfE will check whether the complaint has been dealt with properly by the School. The DfE 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 Trust's complaints procedure is found to not meet regulations, the Trust 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>

Or telephone: 0370 000 2288

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 the LGB (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 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.

Unreasonable and persistent complaints

The 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 our Trust's schools.

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.





Our Trust defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the School/Trust, such as, if the complainant:

- 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 cooperate with the complaints investigation process;
- refuses to accept that certain issues are not within the scope of the complaints procedure;
- insists on the complaint being dealt with in ways that are incompatible with the complaints procedure or with good practice;
- introduces trivial or irrelevant information that they expect to be taken into account and commented on;
- 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 Trust's complaint procedure has been fully and properly implemented and completed including referral to the DfE;
- seeks an unrealistic outcome;
- makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with;
- uses threats to intimidate;
- uses abusive, offensive or discriminatory language or violence;
- knowingly provides falsified information; and/or
- publishes unacceptable information on social media or other public forums.

Complainants should try to limit their communication with the school that relates to their complaint, while the 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.

Whenever possible, the HT/HOS or Chair of the LGB will discuss any concerns with the complainant informally before applying an '*unreasonable*' marking.





If the behaviour continues, the HT/HOS will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact the School, causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from the School.

Duplicate complaints

If, after closing a complaint at the end of the complaints procedure, we receive a duplicate complaint from a spouse, a partner, a grandparent or a child not attending this School, we will remind them that we have already considered the complaint and the local process is complete. Complainants will be advised to contact the DfE if they are dissatisfied with our handling of the complaint.

Complaint campaigns

Where the School receives a large volume of complaints about the same topic or subject, the School may respond to these complaints by:

- Publishing a single response on the School website
- Sending a template response to all of the complainants

If complainants are not satisfied with the School response, or wish to pursue the complaint further, the normal procedures will apply.

Withdrawal of a complaint

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

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 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 through a subject access request 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 securely, only for as long as necessary and in line with data protection law, our privacy notices and retention policy.

The details of the complaint, including the names of individuals involved, will not be shared with the whole LGB in case a review panel needs to be organised at a later point.

Where the LGB is aware of the substance of the complaint before the review panel stage, the School/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 LGB as appropriate, who will not unreasonably withhold consent.

10. Learning lessons

The Chair will review any underlying issues raised by complaints with the HT, 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 Trust Board will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The Trust Board 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 HT/HOS in each school.

This policy will be reviewed by the CEO every 4 years (or upon notification of legislative updates).

At each review, the policy will be approved by the Trust Board.





12. Scope of the Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services by each of the Trust's, other than complaints that are dealt with under other statutory procedures, including those listed below:

- Safeguarding and Child protection Policy
- Admissions policy
- Exclusions policy
- Staff grievance procedures
- Staff disciplinary procedures
- SEND policy (where applicable) and information report
- Privacy notices

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.

If a complainant commences legal action against a School 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.

