

Complaints Policy and Procedure

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Statutory Policy



Who should use this policy?

This policy should be used by parents, carers, pupils and members of the wider public to raise a complaint with the school/Trust. Staff wishing to raise a concern or complaint should use the Staff Grievance or whistleblowing policy as appropriate. This document should be read alongside *'The Expected Behaviour of Parents, Carers and Visitors to our schools'*.

Introduction

As a school and Trust, we strive to develop effective and mutually supportive relationships with all the parents, carers and members of the wider community that we serve. However, we recognise that there will be occasions where an individual or organisation may have concerns about an aspect of the school's / Trust's policy, decisions or actions. In many cases, such issues can be successfully resolved through informal discussions between the individual and the school. We therefore strongly encourage bringing any concerns to the attention of the Headteacher or other staff member as soon as possible who will strive to resolve the issue.

However, we recognise there will be some circumstances where individuals or organisations feel they need to escalate the issue. This policy sets out the process for doing so by bringing forward a complaint, and how the school/Trust will respond.

Distinguishing between a concern and a complaint

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 defined as *'an expression of dissatisfaction however made, about actions taken or a lack of action'*.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure.

Scope of this complaints procedure

This procedure covers any complaint about the school or Trust, other than those that are managed under other statutory procedures. Complaints outside scope include those about admissions, statutory assessments for special educational needs, matters that may require a child protection investigation, and pupil exclusions from school. If your complaint falls into these areas, please contact the Headteacher for advice. (Staff complaints, including whistleblowing, are also managed under separate procedures.)

Procedure in making a complaint

In the event that a concern cannot be resolved through initial dialogue with the school / Academies for Character and Excellence (the Trust), a complaint can be made by following the procedure set out in this document. There are three stages to our complaints procedure:

- **Stage 1:** 'Informal' Complaint
- **Stage 2:** 'Formal' Complaint
- **Stage 3:** 'Escalated Formal' Complaint

These stages are detailed on pages 6 to 10.

How to raise a concern or make a complaint

A stage 1 (informal) complaint can be made in person, in writing or by telephone to the school or to the Trust. They may also be made by a third party acting on behalf of a complainant, as long as they have appropriate consent to do so. A formal complaint (stage 2) should be made in writing unless the complainant has an accessibility need under equalities guidance. A template is attached at Annex A which can be completed to make a complaint at stage 2.

Complaints about a school policy, a decision taken by the school, or about a member of school staff should be made in the first instance to the school's Headteacher via the school office.

Complaints that involve - or are about - the school's Headteacher should be directed in the first instance to the Chair of the Local Advocate Board, via the school office. Please mark them as 'Private and Confidential' if complaining in writing.

Complaints about a member of a school's Local Advocate Board, about a member of the Academies for Character and Excellence central team, or about a Trust-level decision, action, or policy should be made in the first instance to the Governance Professional, c/o ACE, Totnes St. John's Primary School, Pathfields, Totnes, TQ9 5TZ.

Concerns or complaints about the Chief Executive Officer or a Trustee should be raised with the Chair of the Trust Board, via the Governance Professional at the address above. Please mark your complaint as Private and Confidential.

Concerns or complaints about the Chair of the Trust Board should be raised in the first instance with Vice Chair of Trustees, via the Governance Professional at the address above. Please mark your complaint as Private and Confidential.

Please note: Complainants are advised not to approach individual members of the school's Local Advocate Board to raise specific complaints. They have no power to act on an individual basis, and it may also prevent them from considering complaints at Stage 3 of the procedure.

Resolving complaints

At each stage in the procedure, the school and Trust want to resolve the complaint. Where 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 or 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 reoccur
- 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 or Trust policies in light of the complaint
- an apology.

There may be occasions where the school/Trust does not consider that the complaint should be upheld following review or investigation (e.g. if a complaint is about an action/decision that has been taken by a member of staff that the school/Trust considers to be reasonable and in line with their wider policies and responsibilities).

Anonymous complaints

Anonymous concerns or complaints will not be investigated under this procedure, unless there are exceptional circumstances. To enable proper investigations, concerns or complaints should be brought to the attention of the School/Trust Clerk or Governance Professional as soon as possible to determine whether an anonymous complaint warrants an investigation.

Time scales

A complaint must be raised within 3 months of the incident or, where a series of associated incidents have occurred, within 3 months of the last of these incidents. Complaints made outside this time frame will only be considered if exceptional circumstances apply.

Complaints received outside of term time

Complaints made outside of term time will be considered to have been received on the first school day after the holiday period.

Accessibility

In accordance with equality law, consideration will be given to making reasonable adjustments if required to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations. Please contact the school office in the first instance if you need support to access the complaints procedure.

Mediation

Sometimes during the handling of a complaint, communication between parents/carers and the Trust can become difficult. Mediation can be a very useful way of helping people to resolve their differences and find an agreed way forward. Both parties need to agree to mediation. The school/Trust (or the parent) may suggest mediation if communication becomes a problem.

Mediation can be sought at any point during the processes of resolution and investigation. The mediation process is informal, impartial and voluntary, and aims to resolve conflicts to the benefit of all. It does not apportion blame and concentrates on developing a better understanding of each other's point of view and works to secure future relationships. The mediation process does not investigate complaints, or make recommendations for future action, but allows the parties to reach a mutually acceptable outcome in the best interests of the child and/or for resetting relationships for the future.

For more information, please contact your school Clerk or Trust Governance Professional. For issues raised relating to SEND (Special Educational Needs and Disability) resources, specialist mediation is a requirement in the SEND Code of Practice.

Withdrawal of a Complaint

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

Joint complaints

We will not investigate complaints made on behalf of more than one person or a group of people. All complaints must be submitted individually.

Unreasonable actions

We will aim to deal fairly, honestly, consistently, and appropriately with all complainants.

We believe that all complainants have the right to be heard, understood, and respected. We also consider that our employees have the same rights. The Trust and school reserves the right to conclude an investigation without further involvement from the complainant or take legal action if the complainant acts unreasonably. Please see *The Expected Behaviour of Parents, Carers and Visitors to our Schools* policy for further information.

The Complaints process: Stages

Stage 1 Complaint ('Informal' Complaint)

If it has not been possible to get suitable reassurance about a concern from the teacher or relevant member of staff, the first stage would be to make an informal complaint to the school or Trust.

This can be made verbally or in writing as detailed in the section above. (If making the complaint verbally, the complainant should confirm that they would like this to be treated as a complaint so that it can be addressed in line with this process.)

How does the Stage 1 process work?

The complaint will be considered by a member of the school's senior leadership team. Once the complaint has been received, the person who is leading the response will contact the complainant within 3 working days (in term time) to arrange to discuss the complaint either face-to-face, on the telephone, or by email/letter if preferred.

The complainant will be asked to:

- confirm to the School/Trust what happened and how they felt about it
- say how they think the situation could be resolved
- agree the process for resolving the concern or complaint

For its part, the School/Trust will:

- listen to the complainant's concerns
- explain what can happen to resolve the complaint
- confirm the process that will be followed and who will deal with it
- where appropriate, provide information for parents and carers of children with SEND (Special Educational Needs and Disability) about how they can access support in line with the relevant local authority's Code of Practice.

We aim to resolve all informal complaints within 10 school days. If the school is unable to meet this timeline, they will provide the complainant with an update.

Whilst most complaints can be resolved through the Stage 1 process, if the complainant is unhappy about the response from the school/Trust, they are able to escalate to a Stage 2 complaint.

Stage 2 Complaint (Formal)

The stage 2 process involves the school or Trust undertaking a further review / investigation into the complaint. A formal complaint is usually the next step for an informal complaint that is not resolved at stage 1. It is only in exceptional circumstances that a complaint process would start at stage 2. Complaints involving a school will not normally be dealt with by the Trust unless they have been raised with the school in the first instance.

If the complaint is about a decision, process, or actions of a member of school staff, the stage 2 complaint will be led by the Headteacher. They may delegate management of the complaint where appropriate (to a 'complaints lead'), but the Headteacher will retain responsibility for ensuring that the complaint is handled in line with this policy.

If the complaint is about the Headteacher or a member of the Local Advocate Board, the complaint will be managed by the Trust's Governance Professional or another staff member designated by the Trust's Chief Executive Officer in consultation with the Chair of the school's Local Advocate Board.

If your complaint is about a decision or process at Trust level, about a member of Trust staff, or about the Chair of the Local Advocate Board, the stage 2 complaint will be managed by the Trust's Governance Professional or another staff member designated by the Chief Executive Officer. If the complaint is about the CEO or a Board Trustee, the Trust Chair will oversee the complaint. If the complaint is about the Trust Chair, it will be overseen by the vice-chair of the board.

How does the Stage 2 process work?

Once a formal complaint has been made, the Headteacher/ Trust ('complaint lead') will record the date the complaint is received and will acknowledge receipt (either by email or letter) within 3 school days.

The complaint will then be investigated by the complaint lead. In doing this, they will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. They will consider whether a face to face meeting with the complainant is the most appropriate way of doing this.

The complaint will be the subject of a reasonable and proportionate investigation. This means that the amount of time dedicated to the matter will be in accordance with the seriousness of the matter.

A written response will normally be provided within 15 school days. However, if the complaint lead needs to clarify the points of the complaint and initial resolution in order to start the investigation, the response time will be paused until the complaint and resolution have been clarified. If the Headteacher/Trust is unable to meet this deadline of response, they will provide the complainant with an update and a revised response time.

Please note that any complaint made within 15 school days of the end of term or half term may take longer to resolve.

During the investigation, the complaint lead will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- keep a note of any meetings/interviews in relation to their investigation.

What happens next?

At the conclusion of their investigation, the Headteacher (or Trust lead in relation to a complaint about the Trust) will provide a formal written response.

The response will detail any actions taken to investigate the complaint and provide an explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions that will be taken/ are required to resolve the complaint.

Stage 3 : Escalated Formal Complaint (Panel)

If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3. This is the final stage of the complaints procedure.

Stage 3 consists of a panel hearing of at least three people who were not directly involved in the matters detailed in the complaint, with one panel member who is independent of the running of the school (or Trust if the complaint is about the Trust).

A request to escalate to Stage 3 must be made to the Trust office, within 15 school days of receipt of the Stage 2 response. Requests received outside of this time frame will only be considered in exceptional circumstances.

How does the Stage 3 process work?

The school / Trust office will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 3 school days.

The school Clerk (or Trust Governance Lead in respect of complaint about the Trust) will write to the complainant to inform them of the date of the panel meeting. They will aim to convene a meeting within 20 school days of receipt of the Stage 3 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.

A complaint panel will consist of three members, none of whom will have been involved in the incidents or events which led to the complaint or have been involved in dealing with the complaint in the previous stages or have any detailed prior knowledge of the complaint. One of the complaint panel members will be independent of the management and running of the school (or Trust if the complaint is about the Trust). This means that an independent complaint panel member cannot be a Trustee or an employee of the Trust. They may, however, be an Advocate / governor of another school.

If the complaint is about:

- (jointly) the Chair and Vice Chair of the Local Advocate Board or
- the entire Local Advocate Board or

- the majority of the Local Advocate Board

then Stage 3 will be heard by a panel drawn from the Trust's Board of Directors and an independent panel member.

If the complaint is about:

- (jointly) the Chair and Vice Chair of the Board or
- the entire Trust Board or
- the majority of the Trust Board

then Stage 3 will be heard by a panel that is independent of the Trust.

At least 7 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
- request copies of any further written material to be submitted to the Panel at least 5 school days before the meeting.

Any written material will be circulated to all parties at least 3 school days before the date of the meeting. The Panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The Panel will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

A complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the panel meeting. However, there may be occasions when legal representation is appropriate. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation. Representatives from the media are not permitted to attend panel meetings.

Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under (Human Resources) staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.

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

- uphold the complaint in whole or in part

- dismiss the complaint in whole or in part.

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

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.
- where appropriate recommend training or mediation

The Chair of the Panel will provide the complainant and school with a full explanation of their decision and the reason(s) for it, in writing, within 10 school days. The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the school will take to resolve the complaint. The letter to the complainant will include details of how to contact the DfE if they are dissatisfied with the way their complaint has been handled.

The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the school premises by the Headteacher.

A written record will be kept of all complaints. All 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 2008 Act requests access to them.

If you are unhappy about the school's/Trust's response to your complaint

Once the panel has met and responded to the complainant, Stage 3 is complete. This concludes the school/Trust complaints process.

If you are still unhappy with the way the School/Trust has managed your complaint, you can submit a complaint to the Department for Education online at:
www.gov.uk/complain-about-school

Or write to:
School Complaints Unit
Department of Education
2nd Floor, Piccadilly Gate
Manchester M1 2WD

Appendix 1 – Complaint Form Template

Note: This template is provided for guidance only. Complaints using other formats (including verbal, email, and letter) will be processed in accordance with the complaints procedure.

Complaint Form			
Please complete and return to the school/Trust office in a sealed envelope marked 'Private and Confidential' addressed to the Headteacher, Chair of Advocates, or the Clerk to the Local Advocate Board or Governance Professional, depending on who or what the complaint is about. They will acknowledge receipt and explain what action will be taken.			
Your name:			
Pupil's name (if relevant):			
Your relationship to the pupil (if relevant):			
Address including postcode:		Daytime tel. no:	
		Evening tel. no:	
Your email address:			
Please give details of your complaint, including whether you have spoken to anybody at the school about it:			
What actions do you feel might resolve the problem at this stage?			

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

For official use only:			
Acknowledgement sent by whom:			
Method e.g. email:		Date:	
Complaint referred to:		Date:	
Action taken:			
Action Date:			