

# COMPLAINTS PROCEDURE

## OWN TRUST



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## REVISIONS

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## 1. Aims

- 1.1. Our Trust and its schools are committed to developing strong partnerships with parents/carers and all stakeholders, to prevent the need for complaints wherever possible. However, there may be times when complaints need to be made and the Trust and its schools aim to meet all statutory obligations when responding to complaints from parents of pupils at the school, and others.
- 1.2. 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.
- 1.3. We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.
- 1.4. The Trust and its schools will aim to give the complainant the opportunity to complete the complaints procedure in full.
- 1.5. To support this, we will ensure we publicise the existence of this policy and make it available on the Trust and school websites.

## 2. Legislation and guidance

- 2.1. 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.

- 2.2. 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).
- 2.3. This policy complies with our funding agreement and articles of association.

### 3. Definitions and scope

- 3.1. The DfE guidance explains the difference between a concern and a complaint.
- 3.2. A **concern** is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”.
- 3.3. The School will resolve concerns through day-to-day communication as far as possible.
- 3.4. A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”.
- 3.5. There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.
- 3.6. This policy does not cover complaints procedures relating to:
  - Admissions
  - Statutory assessments of special educational needs (SEN)
  - Safeguarding matters
  - Exclusion
  - Whistle-blowing
  - Staff grievances
  - Staff discipline
- 3.7. Please see separate policies for procedures relating to these types of complaint.
- 3.8. Arrangements for handling complaints from parents of children with SEN about a school’s support are within the scope of this policy. Such complaints should first be made to the special educational needs co-ordinator (SENCO); they will then be referred to this complaints policy. The school’s Inclusion Policy and Information Report includes information about the rights of parents of pupils with disabilities who believe that the school has discriminated against their child.
- 3.9. Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.

### 4. Principles for investigation

- 4.1. We believe that most complaints can be resolved satisfactorily by informal discussions or through a meeting with the key people involved. Formal complaints concerning an individual school should be addressed to the appropriate School headteacher in writing; complaints concerning the Trust should be addressed to the Chief Executive Officer or the Chair of Trustees.
- 4.2. When investigating a complaint, we will try to clarify:
  - What has happened;
  - Who was involved;
  - What the complainant feels would put things right.
- 4.3. 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.
- 4.4. 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.
- 4.5. The schools expect 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.

## **5. Stages of complaint (not complaints against the headteacher or governors)**

### **5.1. Stage 1: informal (Discussed with relevant staff member)**

- 5.1.1. The school 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.
- 5.1.2. The complainant should raise the complaint as soon as possible with the relevant member of staff such as the class teacher or phase leader as appropriate, 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.
- 5.1.3. Where an informal complaint is raised with the school headteacher, it will normally be passed to the most appropriate member of staff to deal with accordingly. If the complainant indicates that they would have difficulty discussing the complaint with this member of staff, the School headteacher may direct them to another member of staff. Similarly, if the most appropriate member of staff feels they would have difficulty in dealing with the complaint objectively, the school headteacher may direct the complainant to another member of staff.
- 5.1.4. The school will acknowledge informal complaints within 2 school days of receipt, and investigate and provide a response within 15 school days, or as far as practicable during school holidays, keeping the complainant informed of progress during this time.
- 5.1.5. The informal stage may require a meeting between the complainant and a member of school staff as appropriate.
- 5.1.6. Possible outcomes at this stage:
  - Complaint resolved to the satisfaction of the complainant;
  - Complaint not resolved to the satisfaction of the complainant;
  - Complaint dealt with under another procedure.
- 5.1.7. If the complaint is not resolved informally, the complainant will be provided with a copy of this document and informed that they may escalate to a formal complaint following the procedures detailed within.
- 5.1.8. Where an informal complaint remains unresolved, the complainant has 10 working days from the outcome being given to refer to formal stage 2 resolution. However, in exceptional circumstances, this may be extended.
- 5.1.9. Upon receiving the complaint, the school headteacher may ask the complainant to put the complaint in writing and invoke the procedure for formal complaints.
- 5.1.10. If the complaint has been made to a member of the Local Governing Body of the school in the first instance, he or she will refer the complaint to the School headteacher and will take no further part in the procedures. However, if the complaint concerns the school headteacher and has already been taken up with the school headteacher without being resolved, the complaint must be made in writing to the Chair of the Local Governing Body using the Complaint Form (see Appendix A). The Chair will then invoke the formal procedure.
- 5.1.11. It is expected that the complainant shall have made reasonable attempts to seek an informal resolution and shall have acted in relation to the matter in a reasonable and measured way. The Chair of Trustees shall have discretion, which will be exercised reasonably, not to allow a complaint to be pursued where this precondition has not been met.

### **5.2. Stage 2: formal resolution at School level (if unresolved at Stage 1)**

#### **How to raise a complaint**

- 5.2.1. Formal complaints should be made in writing, either by letter or email, to the School headteacher, using the complaint form (Appendix A).
- 5.2.2. The complainant should provide details such as relevant dates, times, and the names of witnesses of events, alongside copies of any relevant documents, and what they feel would resolve the complaint.

- 5.2.3. If complainants need assistance raising a formal complaint, they can contact the school office.
- 5.2.4. The complaint will be acknowledged within 2 school days of receipt during term time and as soon as practicable during school holidays.
- 5.2.5. The school headteacher (or designated member of the senior leadership team) may call a meeting to clarify concerns, and seek a resolution. The complainant may be accompanied to this meeting, and should inform the school of the identity of their companion in advance, but legal representation will not be allowed.
- 5.2.6. In certain circumstances, the school may need to refuse a request for a particular individual to attend any such meeting – for example, if there is a conflict of interest. If this is the case, the school will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative accompaniment.
- 5.2.7. The headteacher (or other person appointed by the headteacher for this purpose) will then conduct their own investigation.
- 5.2.8. Where the complaint concerns the school headteacher, the school headteacher will inform the complainant in writing that they should send a completed Complaint Form to the Chair of the Local Governing Body, who will then take the place of the school headteacher throughout the formal procedure.
- 5.2.9. A stage 2 complaint should be resolved within 20 working days of receiving the complaint. Where there are exceptional circumstances resulting in delays, the parent will be notified of this and informed of the new timescales as soon as possible.
- 5.2.10. Once the investigation has been completed, the school headteacher will review all the information and discuss the findings with the complainant with the aim of resolving the complaint to the complainant's satisfaction.
- 5.2.11. The School headteacher will decide on the outcome and inform the complainant in writing of the decision, together with details of how to proceed to the next stage if they remain dissatisfied. A meeting may also be arranged to convey the reasons for the decision.
- 5.2.12. Rarely, the decision may involve taking disciplinary action against an individual, for which there is a separate procedure. In this event, the complainant will be informed that the complaint will be pursued through disciplinary action. The Trust's disciplinary procedures require that all details of proceedings remain confidential, and consequently the complainant will not be informed of the outcome.
- 5.2.13. Possible outcomes include:
  - complaint withdrawn;
  - complaint dismissed;
  - complaint dealt with under another procedure;
  - complaint upheld.
- 5.2.14. All stage 2 complaints will be reviewed by the Chief Executive Officer of the OWN Trust to ensure that procedures have been followed in dealing with the complaint.
- 5.2.15. If the Stage 2 complaint remains unresolved, the complainant has 10 school days from the outcome being given to proceed to Stage 3 of these procedures.
- 5.2.16. Complaints can be escalated by writing to the Chair of the Local Governing Body, by letter or email, detailing how they feel the previous stage of the procedure has not addressed their complaint sufficiently, and what they feel would resolve the complaint.

**5.3 Stage 3: (if unresolved at Stage 2 – formal resolution) submit the complaint to the Local Governing Body review panel**

- 5.3.1 The review panel will consist of at least 3 members without direct knowledge of the complaint, one of whom must be independent of the management and running of the academy. Where this is not possible the panel may include 1 or more persons from the Local Governing Body from another school within the Multi Academy Trust;

- 5.3.2 These individuals will have access to the existing record of the complaint's progress (see section 9).
- 5.3.3 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 submissions prior to the meeting.
- 5.3.4 The complainant must be allowed to attend the panel hearing and be accompanied by a suitable companion if they wish, but legal representation will not be allowed.
- 5.3.5 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, but may not introduce reasons that have not previously been received in writing. A clerk should be appointed to take notes of the meeting and records must be kept.
- 5.3.6 The panel, the complainant and the school representative will be given the chance to ask and reply to questions. Once the complainant and school representatives have completed presenting their cases, they will be asked to leave and evidence will then be considered.
- 5.3.7 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 subject of the complaint, and make a copy of the findings and recommendations available for inspection by the school headteacher.
- 5.3.8 The Chair of the panel will inform those involved of the decision in writing within 10 school days.
- 5.3.9 The complainant must also be informed if they are still dissatisfied with the outcome they can write to the Chair of the Trust Board c/o, Clerk to Trustees, OWN Trust, c/o Nene Valley Primary School, Sugar Way, Peterborough. PE2 9RT, outlining why they are still unhappy.
- 5.3.10 Possible outcomes from the panel:
  - Dismiss the complaint in whole or in part;
  - Uphold the complaint in whole or in part;
  - Recommend changes to school systems or procedures to ensure that similar incidents do not occur.

## **6. Complaints against the headteacher, a governor or the Local Governing Body**

- 6.1. Complaints made against the headteacher should be directed to the Chair of the Local Governing Body.
- 6.2. Where a complaint is brought against a member of the Local Governing Body, the chair of the Local Governing Body will investigate the complaint (or appoint another member of the Local Governing Body to do so) in the same way as in the first stage of the formal process at Stage 3. Stage 2 does not apply.
- 6.3. If the complaint is against the Chair of the Local Governing Body, then the vice chair of the Local Governing Body will investigate the complaint (or appoint another member of the Local Governing Body to do so) in the same way as in the first stage of the formal process at Stage 3. Stage 2 does not apply.
- 6.4. If the complaint is against a member of the Board of Trustees, then the chair of the Board, (or in the case of a complaint against the chair the vice chair) will investigate the complaint (or appoint another member of the Board to do so) in the same way as in the first stage of the formal process at Stage 3. Stage 2 does not apply.
- 6.5. In exceptional circumstances the chair of the Board of Trustees may at his or her absolute discretion determine that a complaint against a headteacher, the Chief Executive Officer, or member of the Local Governing Body should be dealt with at Board level and if so determined the chair of the Board of Trustees will oversee Stage 3.

## 7. Referring complaints on completion of the school's procedure

- 7.1. If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the Education Skills Funding Agency (ESFA). The ESFA will check whether the complaint has been dealt with properly by the school./Trust. The ESFA 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.
- 7.2. If the school did not deal with the complaint properly, it will be asked to re-investigate the complaint. If the school's complaints procedure is found to not meet regulations, the school will be asked to correct its procedure accordingly.
- 7.3. For more information or to refer a complaint, see the following webpage:

<https://form.education.gov.uk>

## 8. Persistent complaints

- 8.1. 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 Local Governing Body (or other appropriate person in the case of a complaint about the chair) will inform the complainant that the matter is closed.
- 8.2. 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's position and their options (if any), *and*
  - The complainant is contacting the school repeatedly but making substantially the same points each time.
- 8.3. However, this list is not intended to be exhaustive.
- 8.4. The school will be most likely to choose not to respond if:
  - There is 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.
- 8.5. Unreasonable behaviour which is abusive, offensive or threatening may constitute an unreasonably persistent complaint.
- 8.6. Once the school has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email.
- 8.7. The school will ensure when making this decision that complainants making any new complaint are heard, and that the school acts reasonably.

### Unreasonably persistent complaints

- 8.8. A vexatious or persistent complainant is not someone who raises legitimate concerns or criticisms of a complaints procedure as it progresses, for example, with regard to timescales, nor are they someone who is unhappy with the outcome of a complaint and are therefore seeking to challenge it.
- 8.9. Occasionally however there may be situations where all parties acting on behalf of the Trust have done all they can to resolve matters, and it is therefore appropriate to consider closing a complaint as it has been on-going for some time. Alternatively, there may be some circumstances in which there will be a valid reason for not following the full complaints process. Closing complaints may be appropriate in particular where responding to continual communications from a complainant is detracting from the school's responsibility to look after the interests of all the children in its care.

8.10. The Academy Trust Board therefore reserves the right to close complaints from those who demonstrate any of the following behaviours:

- Frequently complaining about a variety of different matters, or the same issue through a number of different channels in an obsessive, persistent, harassing, prolific and/or repetitious manner;
- Seeking unrealistic outcomes relative to the issue being raised and stating that their intention is to persist until that outcome is achieved;
- Insisting on pursuing valid complaints in an unreasonable manner;
- Persistently making the same complaint with minor differences but never accepting the outcome of any investigation into their complaint;
- Challenging a historical decision/action which cannot be changed;
- Contacting the school frequently in a lengthy and/or complicated way;
- Behaving aggressively and provocatively towards the school and individual members of staff;
- Changing aspects of the complaint or the desired outcome part way through the investigation and/or after the investigation is completed and a conclusion has been reached;
- Refusing to cooperate with the investigation process; procedure;
- Insisting on the complaint being dealt with in ways which are incompatible with the adopted procedure or with good practice;
- Making what appear to be groundless complaints about the staff dealing with the complaint and seeking to have them replaced by someone more senior or with a person the complainant names;
- Refusing to accept formation provided, for no justifiable reason;
- seeking to bring the academy into disrepute through interaction with the media.

### **Complaint campaigns**

8.11. Where the school receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the school, 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.

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

## **9. Record-keeping**

9.1. 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.

9.2. 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.

9.3. 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 and the General Data Protection Regulations (GDPR), or where the material must be made available during a school inspection.

9.4. Records of complaints will be kept securely, only for as long as necessary and in line with data protection law and our privacy notices.

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

9.6. Where the Local Governing Body is aware of the substance of the complaint before the review panel stage, the school will (where reasonably practicable) arrange for an independent panel to hear the complaint.

9.7. 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 Local Governing Body, who will not unreasonably withhold consent.

## **10. Learning lessons**

10.1. The chair of the Trust Board will review any underlying issues raised by complaints with the Chief Executive Officer, 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**

11.1. 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.

11.2. The complaints records are logged and managed by the Company Secretary.

**11.3.** This policy will be reviewed annually by the Trust HR Committee.

11.4. At each review, the policy will be approved by the Trust HR Committee.

## **12. Links with other policies**

12.1. Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy and procedures;
- Admissions policy;
- Exclusions policy;
- Staff grievance procedures;
- Staff disciplinary procedures;
- SEN policy and information report;
- Privacy notices.

## Appendix A:

### Complaint Form

Please complete and return to the school headteacher who will acknowledge receipt and explain what action will be taken.

<b>Your name:</b>
<b>Pupil's name (if relevant):</b>
<b>Your relationship to the pupil (if relevant):</b>
<b>Address:</b>  <b>Postcode:</b>  <b>Day time telephone number:</b>  <b>Evening telephone number:</b>
<b>Please give details of your complaint, including whether you have spoken to anybody at the school about it.</b>

**What actions do you feel might resolve the problem at this stage?**

**Are you attaching any paperwork? If so, please give details.**

**Signature:**

**Date:**

**Official use**

**Date acknowledgement sent:**

**By who:**

**Complaint referred to:**

**Date:**

## **Addendum due to Covid-19 (June 2020)**

In line with updated government guidance please note that:

*'Complaints should be considered once schools have fully reopened.'* (June 2020)

Therefore, all complaints that are not of a safeguarding nature will be held by the Governance and Compliance Manager until the school pertaining to the complaint is fully re-opened.