

## SCHOOLS/TRUST COMPLAINTS PROCEDURE

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## Introduction

This procedure covers complaints made about either school or the trust and any services they provide. A complaint is an expression of dissatisfaction about the policy or actions of the school.

This policy will be followed in respect of all complaints by parents/carers and by others who are not members of the school community against the schools or Trust except in the following areas (where separate policies exist):

- child protection allegations;
- exclusions;
- admissions;
- complaints about statements of SEN/ EHC Plans;
- disciplinary issues relating to members of staff; and
- allegations of abuse.

This policy outlines how complaints will be dealt with by The Trust and the relevant school in accordance with the requirements of The Education (Independent School standards) (England) Regulations 2010.

## Our Aims

- We will try to resolve problems informally wherever possible
- We will aim to deal with complaints impartially and as quickly as possible
- We will seek to provide redress for complaints where necessary
- We will arrange for help in communicating or interpretation if necessary
- We will respect all parties' rights to confidentiality
- We will keep careful records and review complaints and the outcomes so that we can learn from them
- We will not investigate anonymous complaints and will not deal with anyone using verbal or physical abuse

## Definition 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 school 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".

## 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.

*Children of Success Schools Trust -Complaints Procedure*

*Approved by the Board: February 2019*

*Review: every 3 years*

The school expects that complaints will be made as soon as possible after an incident arises and no later than 3 months afterwards. We will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint earlier.

## **Complaints about our fulfilment of early year's 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 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](mailto: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.

## **Stages of Complaint**

### **Stage 1 - Informal Complaints**

- If you complain by speaking to a member of staff by telephone or by email, our aim will be to deal with it immediately.
- Staff will respond by providing a clear explanation. If appropriate they will apologise and agree what should be done to put matters right or to prevent the problem happening again.
- If necessary, staff will arrange to meet you to discuss your concern or complaint.
- Either you or the member of staff may wish to involve the Head of School or another senior member of staff.
- If the matter cannot be resolved immediately, we will agree a timetable for dealing with it and say which member of staff will be responsible for contacting you. We will aim to resolve the dispute within 10 working days.
- We will keep a note of informal complaints. If you remain dissatisfied you have the right to use the formal procedure and we will inform you of this.

### **Stage 2- Formal Complaints**

- A formal complaint must be made in writing to the Executive Headteacher (or to The Chair of the Board of Trustees if it is about the Executive Headteacher or relates directly to the Trust rather than an individual school). We recommend that you use the form supplied. If you wish, a member of staff not involved with the complaint will write down what you want to say.
- Formal complaints may arise because you are dissatisfied with the result of an informal complaint, or because we consider an informal complaint sufficiently serious to be dealt with formally, or because you choose to put a complaint in writing.
- The Executive Headteacher will be responsible for investigating all complaints, except those relating to her/his actions. The Chair of the Trust Board will be responsible for investigating complaints relating to the Executive Headteacher's actions. The Executive Headteacher may delegate investigation of a complaint to the Head of School, or may ask the Chair of the Board to undertake the investigation if this seems more appropriate.

- When we receive a complaint, it will be recorded in the school's complaints file. This will include a record of the progress of the complaint and if it was resolved at an informal hearing or was taken to a panel, documents relating to the complaint and what action was taken by the academy arising from the complaint.
- Timescales for responding to complaints:
  - if a complaint can be investigated and a response sent to you within three working days we will not acknowledge the letter and send the response in reply.
  - If a complaint needs further investigation, we will send an acknowledgement within 3 days and we will investigate the complaint and provide a response within ten working days of acknowledgement of the complaint
  - if this timescale cannot be met, we will tell you with an explanation and a revised timescale.
- The investigation will establish the nature of the complaint, what has happened and who is involved, and what can be done to put things right. The person investigating will meet you if appropriate, and interview any parties to the matter complained of. Notes will be kept of the investigation and all interviews.
- When the investigation is completed, you will receive a written report or letter stating the findings and any recommended action which we intend to take. We will inform you of the next steps in this procedure in case you are dissatisfied.

### **Stage 3 Formal Complaints – Appeals to Panel**

- If you are dissatisfied with the result of the investigation, you have the right of appeal to a panel convened by the Chair of the Trust.
- The panel will have a minimum membership of 3 for any appeal. At least one member will be independent of the management and running of the school. For these purposes non-staff members of the School Community Group of the partner school or of another school will be appointed as members of the panel are regarded as independent. The Chair will also ensure that no person previously involved in the matter will be on the panel dealing with the appeal
- The role of the panel is to decide whether the complaint was properly investigated, whether the findings are justified and whether any redress or action was appropriate.
- An appeal must be made in writing and sent to Chair of Board as appropriate, who will be responsible for liaising with the chair of the Complaints panel to convene the appeal hearing.
- The Chair of the panel will decide arrangements for clerking the appeal hearing.
- The panel will normally be convened within 15 working days of the receipt of the appeal, at a date and time acceptable to all parties and with reasonable notice being given.(five working days)
- You will be invited to attend and present your case. Parents may be accompanied if they wish. The person investigating the complaint will also attend to present their findings. If you do not attend, the panel will consider your written appeal.
- Procedure:
  - the chair of the hearing will ensure that governors are impartial and that the hearing is as informal as possible and those attending are treated courteously and put at their ease
  - you will be able to put your case and will then be questioned by panel members and the person investigating the complaint
  - the person investigating will be able to put their case and will then be questioned by panel members and by you
  - each side will have the opportunity to sum up briefly

- the panel will decide on the issues in private.
- In the event of a complainant behaving unacceptably at the hearing, the person chairing the hearing will have the right to ask the complainant to withdraw and to continue the hearing without the complainant being present.
- Copies of the investigation report and of the appeal letter will be provided to the panel members in advance. You and the person investigating the complaint may provide supporting documents if you wish. These should if possible be circulated in advance. If new material is presented at the hearing the chair should give all parties time to consider it.
- The Panel will produce a written report of findings and recommendations which will be filed on the complaints file. This may also be distributed to the person complained about, if applicable.
- The panel chair or clerk will write to you within five working days with the sub-committee's findings and recommendations. If any delay is expected, you will be informed at the hearing.
- In order not to compromise any other matters (such as disciplinary hearings) or to breach individual confidentiality, the full Trust Board will not deal with individual complaints.
- There will be no further stages of appeal within the school. A complainant who is still dissatisfied may contact the Education and Skills Funding Agency (ESFA), using the Agency's school complaints form. The EFA will consider complaints where there is undue delay or we did not comply with this procedure; where the Trust is in breach of its funding agreement; or where the Trust has failed to comply with any other legal obligation.

## **Persistent or Serial complaints**

The school will not respond if a complainant raises again an issue that has already been taken through the complaints procedure.

## **Monitoring Complaints**

- The FDOM will report regularly to the Trust Board on the number of formal complaints and appeals during the year, any which took longer than the timescales given above, and a summary of the subjects and outcomes. This information should not name individuals in case an appeal panel needs to be constituted. The Trust Board will check that procedures have been followed, consider the subjects of complaints to see if there are implications for the school, and decide on appropriate action.
- A review of complaints will also be used to contribute to school self-evaluation.

## **Confidentiality**

Correspondence, statements and records relating to individual complaints must be kept confidential, except where the Secretary of State requests access to them.

In responding to an MP or other complainant the aspect of confidentiality must always be considered.

## **Complaints about the Trust**

The Trust has overall responsibility for both schools and some complaints may be about the Trust rather than one of the schools. If your complaint is about the Trust, the

procedure remains the same however at the formal complaint stage the complaint should be raised with the Chair of the Board. Should a panel be required the members will include one person who is not involved in the Trust as a trustee, governor or staff member.

### **What this procedure does not cover**

Some matters cannot be dealt with under this procedure, for example because they concern something outside the powers of the school. If this applies to the complaint you are making we will advise on how to pursue it.

## **COMPLAINTS PROCEDURE**

### **HOW TO MAKE A COMPLAINT**

- If there is a problem, please speak to the member of staff concerned, or telephone the office or email us. We will try to deal with it straightaway.
- If this does not resolve the problem, you will need to make a formal (written) complaint. Please ask the office for the form on which to do this and for any help you require. If you wish, a member of staff not involved with the complaint will write down what you want to say.
- The Head of School/Executive Headteacher or a Governor will be responsible for investigating your complaint.
- They will let you know how long it will take to reply, and will meet you if necessary.
- You will get a written reply, saying what we have found and any action we will take.
- If you are not satisfied, you can appeal to the Governing body who will deal with your complaint.
- Some matters have to be dealt with by other procedures. If this applies, we will tell you and explain what you need to do.
- Please ask for a copy of our full Complaints Procedure

<b>Children of Success School Trust</b> <b>Haveley Hey Community School and The Willows Primary School</b> <b>Complaints Form</b>
Your name
Pupil's name
School Pupil Attends
Your relationship to pupil
Your address and postcode
Your daytime phone number
Your evening phone number
Your email address
<b>Brief details of your problem/complaint</b> (include what period the complaint relates to and include any actions already taken by the school/Trust to try to resolve the situation)



What action have you already taken to try and resolve your complaint?  
(who did you speak to and what was the response)

Please give details of anymore information which supports your complaint such as letters/reports.  
Please attach these if you have them, originals will copied and returned to you.

What would you like to happen to resolve your complaint?

Your signature Date

All functions of the complaints procedure must adhere to the requirements of the Data Protection Act 1998 and the Freedom of information Act 2000.