

# Complaints Policy



**BRADGATE**  
Education Partnership



**Mercenfeld  
Primary  
School**

**Approved by Trust Board:**  
**Review Date:**  
**Responsible Officer:**

February 2019  
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Director of Schools



## **Trust Mission Statement**

Our mission is to create high quality educational opportunities for all children and young people across the partnership by developing a strong collaborative and co-operative model through which we encourage autonomy, share best practice, enhance the professional aspirations of our staff and ensure the safety and well-being of all pupils and staff.

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## Related Policies and Procedures

- Parents Use of Social Media Policy
- General Data Protection Policy

## **1.0 Introduction**

- 1.1 The Trust is committed to working in close partnership with all members of the community and places great value on the role which parents and carers can play in supporting children's learning.
- 1.2 The Trust actively encourages a positive relationship between the academy and the families of children who are in our care. We also make effort to have good relations with our neighbours and the wider community.
- 1.3 The Trust wish to uphold its reputation and the academies within it and therefore seek to ensure that all complaints are dealt with via this policy with the focus being on a collaborative and positive approach to dealing with matters swiftly and appropriately.

## **2.0 Scope & Principles**

- 2.1 This policy outlines the Trust's approach to dealing with parental complaints in relation to any child/student within the Trust's care.
- 2.2 The policy provides a fair and consistent complaints procedure to be utilised across the Trust which aims to be clear and easy to use for parents/carers wishing to make a complaint.
- 2.3 The policy aims to make sure all complaints are investigated fairly and in a timely manner.
- 2.4 The Trust will aim to ensure that complaints are, wherever possible, resolved and that relationships are repaired where necessary.
- 2.5 The Trust will utilise this policy and complaints that are received to help improve the education of the children/students within our care and ensure that lessons are learned from complaints that are received where necessary, reviewing the Trust's/Academy's systems and procedures in the light of the matters raised.
- 2.6 The policy aims to ensure that in most situations concerns that are raised can be resolved very quickly through the Trust's day to day communication between parents and staff. For those situations where this is not the case, the Trust will take the necessary steps as outlined in this policy.
- 2.7 The Trust will treat all complaints with the necessary respect and will ensure that complaint information is handled sensitively. Only necessary and appropriate individuals will be made aware of the complaint that has been raised and all records of complaints will be maintained confidentially.
- 2.8 This policy is not intended to be used for employment matters, these will be dealt with under the appropriate HR policies and procedures.
- 2.9 The following areas fall outside of this policy as they are covered by their own statutory procedures:
  - Admissions
  - Exclusions of pupils
    - Matters likely to require a Child Protection investigation
    - School re-organisation proposals
  - Special Educational Provision
  - Staff grievances and disciplinary procedures
  - Whistleblowing

## **3.0 Informal/Formal Complaint Differentiation**

- 3.1 An expression of dissatisfaction may be made informally orally to a member of Trust staff about an aspect of the Academy/Trust which can be dealt with by that staff member at the time.

- 3.2 For any complaints that cannot be resolved informally then parents/carers have the option to express dissatisfaction in writing about an aspect of the Trust/Academy.

#### **4.0 Timescales of Raising a Complaint**

- 4.1 Complaints must be made as soon as possible and no later than three months after the incident/event.
- 4.2 The Trust/Academy reserves the right to refuse to investigate a concern or complaint outside of this timescale if it appears reasonable and fair to do so, having regard to the circumstances surrounding the complaint. This will be judged on a case by case basis by the Head Teacher of the academy.
- 4.3 The Trust will aim to address complaints in a timely and efficient manner. There may be occasions when the Trust are unable to achieve the timescale indicated. In such circumstances, the Trust/Academy will write to the parent/carer outlining the reason for the delay and provide a new timescale for the conclusion of that part of the process.

#### **5.0 Procedure for Making a Complaint**

##### **5.1 Stage 1: Informal concern**

- 5.1.1 An initial concern should be raised with the class teacher or the member of staff concerned.
- 5.1.2 The parent/carer should identify at this point the issue/incident that has arisen and discuss with the staff member the outcome required in order for the Trust/Academy to address the concern as quickly and effectively as possible.
- 5.1.3 A member of staff from the school should be able to either respond at that point or at the latest within 5 working days from the complaint being raised.
- 5.1.4 Any unresolved issues following initial contact with the class teacher or member of staff concerned may be escalated to a more senior member of staff – e.g. a member of SLT or the Deputy Headteacher before the conclusion of Stage 1.

##### **5.2 Stage 2: Formal Complaint**

- 5.2.1 If the parent/carer does not feel that the concern has been resolved at the informal stage then it will be appropriate for a formal complaint to be made directly to the Head Teacher.
- 5.2.2 Formal complaints must be submitted within 10 working days of Stage 1 being concluded. **Appendix 1** provides a form that must be completed when submitting a written complaint.
- 5.2.3 The complaint must be made in writing indicating the reason for the complaint and the desired outcome that is required.
- 5.2.4 Head Teachers must acknowledge the complaint within 5 working days and will include the following information:
1. A date for a written response within 14 school days.
  2. The steps they will take to investigate the matter raised within the complaint.
  3. How they will communicate the outcome of their investigation with the parent/carer.
- 5.2.5 The Head Teacher will be responsible for ensuring that the complaint is investigated appropriately:
1. They may meet with the parent/carer to clarify details of the complaint and the resolution that is being sought.

2. As part of the investigation the Head Teacher may meet with the necessary individuals in order to investigate the matter.
  3. Head Teachers may also wish to consult necessary policies and procedures and any other relevant documentation to inform their investigation process.
- 5.2.6 On conclusion of the investigation the Head Teacher will write to the parent/carer with the outcome of the investigation, the letter will cover:
1. The steps the Head Teacher has taken to investigate the matter to include information on meetings that may have been held with staff members and outline the documents that have been reviewed.
  2. Outline the findings of the investigation
  3. Provide a decision on the outcome of the complaint
  4. Information on how to appeal against the Head Teachers decision should the parent/carer not be satisfied with the Head Teachers investigation and decision.
  5. Alternatively, the Head Teacher may write to the parent/carer to invite them into school for a meeting to discuss the outcome of the complaint with them directly.
- 5.2.7 Possible outcomes of the Head Teachers investigation could include:
1. Restorative action to repair relationships.
  2. Amendments to policies/procedures at school or Trust level.
  3. Appropriate action plans being put in place which may be specific or general to the complaint that has been investigated.
  4. Further training for staff that may be involved with the complaint.
- 5.2.8 If the complaint is about the Head Teacher the parent/carer should refer the formal written complaint to the Director of Schools who will undertake the necessary steps as outlined above to investigate and conclude the matter.
- 5.2.9 It may be necessary dependent upon the outcome of the investigation process that the matter is referred to be dealt with in line with other Trust policies, for example the Trust's Disciplinary Policy or Safeguarding/Child Protection Policy. In these circumstances it will not be necessary for the parent/carer to be aware of the details associated as the Trust are expected to meet its obligations with regards to confidentiality. A sufficient response will be provided to parent/carers to assure them that the matter has been dealt with.
- 5.3 **Stage 3: Appeal**
- 5.3.1 If the parent/carer remain dissatisfied with the steps that the Head Teacher has made to investigate the complaint or are not satisfied with the outcome provided then the parent/carer will be provided with the opportunity to make an appeal to the Director of Schools.
- 5.3.2 The appeal should be made in writing to the Director of Schools within 10 working days of the date of the Head Teacher's outcome letter. **Appendix 2** provides a form that must be completed when submitting an appeal.
- 5.3.3 The appeal should outline specific reasons for the appeal, specifically appealing against one or both of the following:
1. The process used by the Head Teacher when undertaking the investigation into the complaint
  2. The outcome of the appeal
- 5.4 The Director of Schools will acknowledge receipt of the appeal within 5 working days.

- 5.5 The Director of Schools will convene an appeal hearing to take place within 21 days of the date of the acknowledgment letter. The appeal hearing will consist of:
  - 5.5.1 Director of Schools as Chair of the Panel
  - 5.5.2 Chair of the Local Governing Body as a member of the panel
  - 5.5.3 An independent member from the school such as a Head Teacher or Governor from another school within the Trust.
- 5.6 It will be necessary for the Head Teacher to attend the appeal hearing to present the Trust/Academy's case.
- 5.7 The Director of Schools will write to the parent/carer to invite them to an appeal hearing, the letter will outline:
  - 5.7.1 The date, time and venue of the meeting
  - 5.7.2 The name of the panel members and their position within the Trust/Academy
  - 5.7.3 The name of any other individual attending the meeting such as the Head Teacher/clerk to the meeting/any other relevant witnesses
  - 5.7.4 The remit of the hearing
  - 5.7.5 The format of the hearing
  - 5.7.6 The parent/carers right to attend the hearing accompanied if they wish. The role of the accompanying individual is to provide support only to the parent/carer, they are not present to speak on behalf of the parent carer or answer questions on their behalf.
  - 5.7.7 The option for parent/carers to request for witnesses to be present at the appeal hearing and the date in which they must notify the Trust/Academy that they wish for this to be the case.
  - 5.7.8 The opportunity for parent/carers to submit any additional paperwork for the appeal panel to consider by a specific date before the appeal hearing.
- 5.8 The appeal panel, the parent/carer and Head Teacher will be provided with a bundle prior to the appeal hearing taking place so that all parties are clear on the paperwork and information that is being reviewed.
- 5.9 The appeal panel will not re-hear the case, but will hear the appeal in line with points 5.3.3 above.
- 5.10 The appeal panel will follow the agenda as outlined in **Appendix 3** of this policy.
- 5.11 Possible outcomes that may be provided by the appeal panel to the parent/carer include:
  - 5.11.1 Dismissal of the appeal in whole or in part;
  - 5.11.2 To uphold the appeal in whole or in part;
  - 5.11.3 To decide on the appropriate action as an outcome of the appeal being raised;
  - 5.11.4 To recommend changes to the Trust/Academy on systems or procedures to ensure that problems of a similar nature do not recur.
- 5.12 The Director of Schools will take the final decision as an outcome of the appeal hearing supported by the panel members.
- 5.13 The Director of Schools will notify the parent/carer in writing of outcome of the appeal within 5 working days of the appeal panel taking place.

- 5.14 If Stage 2 has been investigated by the Director of Schools as the original complaint was made against the Head Teacher, then any appeal against the Director of Schools investigation/outcome must be made to the Chief Executive Officer in line with the points above.
- 5.15 In such circumstances, the Chief Executive Officer will chair an appeal panel, supported by a Trustee and a Chair of a Local Governing Body from another school within the Trust.

## **6.0 Education & Skills Funding Agency (ESFA)**

- 6.1 The Trust will take all reasonable steps to ensure that complaints and appeals are dealt with in a professional manner and will seek to resolve complaints with parents/carers where possible, however in exceptional circumstances parents/carers may feel it necessary to take their complaint outside of the Trust/Academy having exhausted the procedures outlined within Trust's Complaints Policy (Section 5).
- 6.2 In such circumstances parents/carers have the right to refer complaints to the Education & Skills Funding Agency (ESFA).
- 6.3 Complaints must be submitted to the ESFA directly via the following link:  
[https://form.education.gov.uk/en/AchieveForms/?form\\_uri=sandbox-publish://AF-Process-f1453496-7d8a-463f-9f33-1da2ac47ed76/AF-Stage-1e64d4cc-25fb-499a-a8d7-74e98203ac00/definition.json&redirectlink=%2Fen&cancelRedirectLink=%2Fen](https://form.education.gov.uk/en/AchieveForms/?form_uri=sandbox-publish://AF-Process-f1453496-7d8a-463f-9f33-1da2ac47ed76/AF-Stage-1e64d4cc-25fb-499a-a8d7-74e98203ac00/definition.json&redirectlink=%2Fen&cancelRedirectLink=%2Fen)
- 6.4 If a complaint is sent to the ESFA then they will check whether the complaint has been dealt with properly by the Trust/Academy and will consider complaints about academies that fall into any of the following three areas:
- 6.4.1 Whether there was undue delay or whether the Trust/Academy did not comply with its own complaints procedure when considering a complaint
  - 6.4.2 Whether the academy is in breach of its funding agreement with the Secretary of State
  - 6.4.3 Whether an academy has failed to comply with any other legal obligation
- 6.5 The ESFA will not overturn an academy's decision about a complaint. However, if they find an academy did not deal with a complaint properly, they will request the complaint is looked at again and that procedures meet the requirements set out in the regulations.

## **7.0 Vexatious Complaints**

- 7.1 Where the Trust/Academy feel that a complainant is carrying out unreasonable and persistent complaints and/or behaviour towards the Trust/Academy is deemed as unnecessary and inappropriate then the Trust/Academy may deem this as vexatious.
- 7.2 The Trust/Academy may take actions to address these types of issues and the types of action may include placing limits on the amount of contact time provided by the school or the Trust/Academy may opt not to continue with implementing the Complaints Policy any further.
- 7.3 In such exceptional circumstances the parent/carer will receive notification in writing.

## **8.0 Unjustified, Inappropriate or Improper complaints**

- 8.1 The following criteria will be used to determine whether a complaint is manifestly unjustified, inappropriate or improper:
- 8.1.1 Where all reasonable steps have been taken by the Trust/Academy to address matters
  - 8.1.2 Where a clear statement has been provided of the Trust/Academy position



- 8.1.3 In circumstances when the school is being repeatedly contacted with the same points being raised
- 8.1.4 Where the school has reasonable grounds for believing the intention is to cause inconvenience
- 8.1.5 In circumstances when communications are aggressive in tone or content. Abusive, derogatory and/or threatening comments will not be tolerated by the Trust/Academy.
- 8.1.6 The Trust have a separate Parent Use of Social Media Policy for further information.

## **9.0 Complaints Not Arising from Parents/Carers**

- 9.1 If you are not a parent/carer of a child at one of our academies and wish to raise a complaint not in relation to the education/care of your child, please make contact directly with the Head Teacher to discuss the complaint.
- 9.2 Where the complaint is in relation to Trust, please refer the complaint to the Chief Executive Officer or the Chair of Trustees.

## **10.0 Requests for Information**

- 10.1 Reasonable requests for information are welcomed. Sometimes information pertaining to the circumstances or context relating to a complaint can provide additional clarity and help to find a resolution.
- 10.2 Where a parent/carer wishes to request information they must follow the Trust's General Data Protection Regulation Policy.
- 10.3 In the case of persistent or serial requests, requests for information which are disproportionate or repetitious may be regarded as vexatious or unjustified and the Trust may reserve the right not to disclose the information requested.

Appendix 1

**Stage 2 – Formal Complaint Form**

If the complaint cannot be resolved informally with staff members at the school, this form must be completed to raise a formal complaint directly with the Head Teacher. If the formal complaint is against the Head Teacher and cannot be resolved with them informally, then the complaint must be submitted to the Director of Schools.

Your name:			
Pupil's name:			
Your relationship to pupil:			
Address:			
Home Telephone:			
Mobile:		E-mail:	
Please give concise details of your complaint:			

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

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

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

Signed:

Date:

**Stage 3 – Appeal Form**

This form must be used to submit an appeal against the Stage 2 process of the policy.

Your name:			
Pupil's name:			
Your relationship to pupil:			
Address:			
Home Telephone:			
Mobile:		E-mail:	
Please indicate whether you are appealing one of the following or both:			
<p>1. The process used by the Head Teacher when undertaking the investigation into the complaint <input type="checkbox"/></p> <p>2. The outcome of the appeal <input type="checkbox"/></p> <p>3. Both <input type="checkbox"/></p>			
Please outline below the precise details and grounds for your appeal:			

What outcome are you seeking as a result of raising your appeal?

Do you have any additional paperwork that you are attaching to your appeal, if so please list below:

Signed:

Date:

## **Appeal Panel – Agenda for Complaints Appeal Hearing**

### **1. Introduction**

- a. Chair of the Panel to make introductions and outline the process of the hearing.

### **2. Presentation of the Parents/Carer Appeal**

- a. The parent/carers may make an opening address outlining the appeal case
- b. If witnesses are required, the parent/carers will call each witness in turn so that:
  - i. The witness is asked questions by the parent/carers
  - ii. The Trust's representative has the opportunity to ask the witness questions
  - iii. The members of the Appeal Panel have the opportunity to question the witness
- c. Each witness withdraws after giving evidence

### **3. Presentation of Management Case**

- a. The Trust's representative may make an opening address outlining the case.
- b. The Trust representative calls each witness in turn so that
  - i. The witness is asked questions by the Trust's representative
  - ii. The parent/carers representative has the opportunity to ask the witness questions
  - iii. The members of the Appeal Panel have the opportunity to question the witness
- c. Each witness withdraws after giving evidence

### **4. Summing Up**

- a. The Trust's representative will be given opportunity to sum up the case that has been presented to the panel
- b. The parent/carers shall have the opportunity to sum up their case if they so to have the last word before withdrawal

### **5. Closed Session**

- a. Both parties then withdraw and the appeal hearing is brought to a close
- b. The appeal panel will deliberate and make their decision during closed session
- c. The decision will be communicated in writing within 5 working days of the appeal hearing

### **6. NOTES ON THE PROCEDURE**

- a. The Trust's case may be presented by someone other than the Management Case acting as the Trust's Representative and they may remain in the hearing throughout as or with the Trust's representative.
- b. The Appeal Panel will normally have access to an adviser to advise him/her/them on the law and on procedure. The Appeal Panel will make the decision. No adviser shall vote on the matter being considered by the appeal panel.
- c. Sections highlighted in yellow may not be necessary for the process